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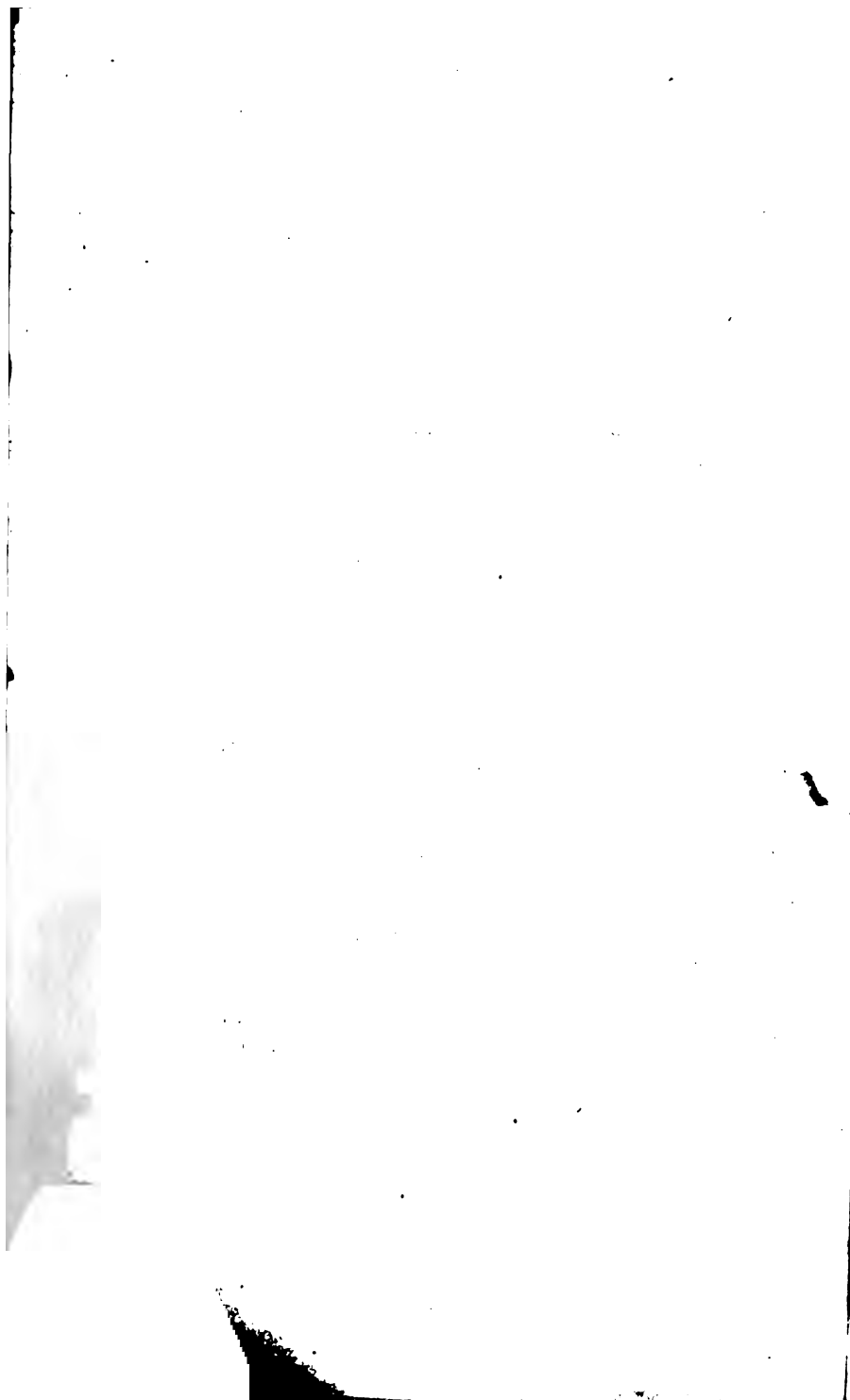
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SPEECHES,



SPEECHES, DEBATES, &c.

IN THE
House of Commons,
FROM THE
RESTORATION.

THE 30th of November, the House proceeded to the Trial of Lord Stafford; of which this is an Abstract:

The Managers for the Commons, among whom were the most considerable Lawyers in the House, as Serjeant Maynard, Sir William Jones, Mr. Treby, &c. open'd the Cause with great Copiousness and Eloquence: ' They began with the Plot in general, and laid open the Malice, Wickedness and Horror, of so dreadful, bloody and hellish a Design: They strenuously insisted on the express positive Oaths of the Witnesses, upon whom the Credit of the Plot chiefly depended: They expatiated upon Coleman's Letters, and others, clearly proving the Designs and Activity of the Writers: They press'd home the execrable Murder of Sir Edmund-bury Godfrey, charg'd upon the Papists, as well by the Oaths of self-acknowledg'd Partners in the Fact, as by a Letter sent from London to Tixall, intimating this very Murder the third Day after it was committed: They fully display'd the Sham-Plots and Counter-Contrivances, whereby the Papists would have suborn'd the King's Evidence, and

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turn'd all the Guilt upon his Majesty's most loyal Subjects: They urged the firing the City, the burning the Navy, the calling in French Armies, Wild-Irish, Spanish-Pilgrims, &c. They recapitulated the several Trials of Ireland, Whitebread, Langhorn, &c. and alledg'd the Votes of both Houses of Parliament declaring the Plot. To corroborate all which, they repeated the Cruelties of Queen Mary, the French and Irish Massacres, the Powder-Plot, &c. and they anatomiz'd the wicked Principles and Practices of Murdering, Lying, Equivocating, Forswearing, Faith-breaking, &c. imputed to the Papists as held by them lawful and meritorious. In sum, nothing was omitted, or neglected through the whole Process, but the least Circumstance fully enforc'd and advanc'd, with such Art and Acuteness, as well answer'd to so great a Cause, prosecuted by so high an Authority, before so illustrious Judges, and so august an Assembly.

Evidences a-
gainst him.

Dugdale,

Some Witnesses were first produc'd to prove the Reality, or at least the Probability, of the Plot in general; but chiefly three appear'd against the Lord in particular, namely, Dugdale, Oates, and Turberville, the last said to be both a profligate and an indigent Person. 1. Dugdale swore, ' That at a certain Meeting held at Tixall in Staffordshire, about the End of August, or Beginning of September, 1678, the Lord Stafford, with Lord Aston and others, did, in the presence of the Witness, give his full consent to take away the King's Life, and introduce the Popish Religion. That on the 10th or 21st of September in the Forenoon, the Lord sent for the Witness to his Chamber, while he was dressing; and turning his Servants out, offer'd him five hundred Pounds for his Charges and Encouragement, to take away the King's Life; and further told him, he should have free pardon of all his Sins, and be sainted; for the King had been excommunicated, and was likewise a Traytor and a Rebel, and an Enemy to Jesus Christ.' 2. Oates swore, ' That in the Year 1677, both in Spain, and at St. Omers, he saw several Letters, sign'd Stafford, wherein his Lordship assured the Jesuits of his Fidelity and Zeal in promoting the Catholic Cause. That in 1678, being in London, his Lordship came to the Chamber of Father Fenwick, since executed, and there in his presence receiv'd a Commission from him, to be Pay-Master-General to the Army: Whereupon his Lordship said, he must of necessity go down into the Country to take account how Affairs stood there; and did not doubt but at his Return, Grove should do the Business. And, speaking of the King, he further added, He hath deceiv'd us a great while, and we can bear no longer.' 3.

And Turberville.

Turberville gave an account, of disobliging his Friends by leaving his Friar's Habit at Doway; and thereupon went into France,

France, in the Year 1675, where at Paris getting acquaintance with his Lordship, he propos'd to the Witness a way, both to retrieve his Credit with his Friends, and make himself happy; and this was by taking away the Life of the King of England, who was a Heretic, and a Rebel against God Almighty. That when he took leave of him, his Lordship appointed to meet him at London; but he soon after return'd into France, not being willing to undertake the Proposals, and was discountenanc'd by his Friends, and reduc'd to Poverty.

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The accus'd Lord in his Defence, alledg'd many things to invalidate the Credit of the Plot, and particularly the Reputation of these three Witnesses. Against Dugdale, he produc'd Evidence, That he was a Person of an infamous Life; that he had cheated the Lord Aston his Master, and defrauded Work-Men and Servants of their Wages; that by his Extravagancies and Misdemeanours he had run himself into several hundred Pounds Debt, for which he was thrown into Jail, and despair'd of ever getting out from thence, otherwise than by making the pretended Discoveries. In the next place, that he had directly perjur'd himself, in divers Parts and Circumstances, as to Time and Place, in this and other Depositions: And further, he prov'd, That he had endeavour'd to suborn divers Persons to make false Oaths, and so to strengthen his own by other Men's Perjury. Against Oates, he enlarg'd upon the mighty Improbabilities, that so many great and rich Conspirators, who had trusted him with their greatest Secrets, and whose Lives were at his Mercy, should suffer him to be reduc'd to such a wretched degree of Beggary, as he was acknowledg'd to be when he made his first Discoveries. He likewise insist'd upon his Omissions, Additions, and Contradictions, that plainly appear'd in his several Depositions about the Plot; and also upon his villainous feigning himself to be of another Religion, by solemn Renunciations of his Faith, and by such Sacraments on one side, and such Abjurations and Excommunications on the other, as render'd him unfit to be admitted for an Evidence against any Man living. As to Turberville, he urg'd that he was perjur'd in this, and many other of his Depositions; and that his Narrative had many Mistakes and Blunders in it. He deny'd, that he or any of his Servants, ever saw him at Paris; and made some Remarks upon his Poverty and Want, his loose manner of Living, his shameful Cursing and Swearing; and particularly his using these Words, God damn me! there is no Trade good now, but that of a Discoverer.

His Defence.

It would be too long to mention all the Particulars of this Trial, which lasted a whole Week, and in which great

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The Managers
Reply.

Sir Will. Jones.

His second De-
fence, and the
Judges Reply.

Skill and Dexterity was used by the Managers to support the Credit and Reputation of the Witnesses, among whom they believ'd there was no Contrivance or Confederacy. They argu'd, ' That they had made it plain and apparent in the Beginning of the Trial, by the Testimony of six Witnesses, by the Declarations of both Houses of Parliament, by Coleman's Letters, by the Trial and Conviction of other Traitors, that there was a general Design amongst the Papists, to introduce their Religion, by raising of Armies, murdering the King, and subverting the Government. And as to his Lordship's particular Case, they had three Witnesses, which sufficiently prov'd him guilty; and so expatiated upon the Danger of Popish Principles, &c.' And particularly Sir

William Jones exerted his Skill and Eloquence in a long Speech, as much to prove the Reality of the Plot, as the Guilt of the Prisoner; and thus especially argu'd: ' So that I think now none remain that do pretend not to believe it, but two sorts of Persons; the one, those that were Conspirators in it; and the other, those that wish'd it had succeeded, and do desire it may so still.' And by way of Conclusion he said, ' The Evidence is so strong that I think it admits of no doubt; and the Offences prov'd against my Lord and the rest of his Party are so foul, that they need no Aggravation. The Offences are against the King, against his sacred Life, against the Protestant Religion, nay against all Protestants. — It is a Design that appears with so dreadful a Countenance to your Lordships, to this great Assembly, and to the whole Nation, that it needs not any Words I can use to make you apprehend it.' His Lordship made two several pathetic Speeches, besides his Answers to the Witnesses, and in conclusion declared, in the presence of God, of his Angels, of their Lordships, and all who heard him, that he was intirely innocent of what was laid to his Charge; that he left it to their Lordships to do justice, and with all Submission resign'd himself to them.

After this his Lordship had recourse to a point of Law, which many thought would have reliev'd him, and this was the Necessity of two Witnesses in the case of Treason: And whereas treasonable Words were sworn against him at two several Times and Places, viz. 75 and 78, France and England, and but by one Witness at each Time and Place, he conceiv'd he could not by their Testimony be legally convicted of Treason. This Objection, tho' reply'd to by the Managers, was thought of that Importance, that the Court judg'd it necessary to have the solemn Opinion of all the Judges present, which were ten in Number. The Lord Chief Justice North began with his in these Words: ' I do here deliver my Opinion, and am clear in it, That

If there be several Overt-Acts or Facts which are Evidences of the same Treason, if there be one Witness to prove one such Overt-Act at one time, and another Witness to prove another Overt-Act at another time, both the Acts being Evidence of the same Treason, these are two sufficient Witnesses of that Treason, and will maintain an Indictment or an Impeachment of Treason.' The rest of the Judges declar'd themselves of the same opinion; and one of them, Baron Atkins, by way of Explanation, said, 'If a Man designs to kill the King, and buys Powder at one Place at one time, and a Pistol at another Place at another time, and promises a Reward to one to assist him to do the thing at a third Place and a third time, these are several Overt-Acts: But if the Law requires that each be prov'd by two Witnesses, I do not see how any Man can be convicted of Treason.'

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December 6. The Lords, by Message, acquainted the House, that they had appointed the next day to give Judgment on Lord Stafford; on which the House resolved *nem. con.* That this House will then go, together with their Speaker, to the Bar of the House of Lords, to demand Judgment upon the Impeachment of the Commons of England against the said Lord; and ordered, that no Member do go into the Court at Westminster-Hall to-morrow Morning before this House shall have demanded Judgment, as aforesaid.

Resolutions of
the Commons.

The 7th, the House resolved, That the Managers of the Impeachment against the Lord Stafford be empowered, in case the Lords should, immediately after the Fact found, proceed to Judgment, to insist upon it, that it is not parliamentary for their Lordships to give Judgment, until it be first demanded by this House.

Mr. Speaker then left the Chair, and the Committee of the Commons were present, at the Court in Westminster-Hall, when the Peers found the said Lord guilty of High-Treason. When the Lord-Chancellor, now Lord High Steward, collecting the Votes, which were 55 guilty, 31 not guilty; the said High-Steward pronounced Lord Stafford guilty of High-Treason, who reply'd, God's holy Name be praised! And then being ask'd, what he could say for himself, why Judgment of Death should not pass upon him, according to Law? he added, 'My Lord, I have very little to say; I confess I am surpris'd at it, for I did not expect it. But God's Will be done; I will not murmur at it. God forgive those who have falsely sworn against me!'

He is found
guilty.

After which the House, with Mr. Speaker and the Mace, went up to the Bar of the House of Lords, and, by Mr. Speaker, in the Name of the Commons in Parliament, and of

Judgment de-
manded by the
Commons.

Anno 32 Car. II. of all the Commons of England, demanded Judgment of
 1680. High-Treason.

The House then return'd, and the Lords by Message signified, that they were going presently to give the said Judgment.

The managing Committee then went into Westminster-Hall, and were present when the Lords gave Judgment, &c.

The Lord
 High-Steward's
 Speech upon it.

At which time, the Lord High-Steward made the following Speech to the Parliament: ' That which remains now to be done, is very sad on my Part; I have never given Sentence on any Man, and I am very sorry I must begin with your Lordship, a Person of your Quality and Fortune, descended of Noble Ancestors, a great Sufferer in the late Times, oblig'd to the Government for the Moderation you had in the Exercise of your Religion; oblig'd to the King's Father, and so much to this King: Yet you have gone about not only to consult his Death, but even the Destroying of three whole Nations, both of Body and Soul, as far as in you lay; of which you stand impeach'd by the Commons, and have been found Guilty by the Lords. There have been many and great Conspiracies against the Life of the King for the destroying of the Government; and they have been carry'd on by Consults, Letters and otherways; by the Burning of London, and the Death of Sir Edmundbury Godfrey, the Plot hath been carry'd on abroad, at Whitehall, and London, and your Lordship hath been concern'd in them all, with a Mixture of Malice; You have call'd the King Heretic, and said, he was an Enemy to God Almighty; here the Proverb is verifi'd, Curse not the King, tho' in the Inward-Chamber, for the Birds of the Air will reveal it. It hath pleas'd God to leave you to yourself, and you have digg'd a Pit, and fallen into it yourself. God never leaves any Man until they leave themselves; think not still swell of your Religion, and let not blind Guides mislead you; true Repentance is never too late, and be not persuaded not to confess that Sin in public, which you possibly have been absolv'd of in private: For whatsoever Value you set on the Prayers of them you call Heretics, yet I am sure, That both they that clear'd you, and those that condemn'd you, are sorry for your Condition. I will pray for your Lordship; and this is the last Time I must call you my Lord.' And so he pronounc'd Sentence of Death against him according to the usual Form in Case of High-Treason.

The 9th, A Complaint of one Mr. Peter Norris, having been referr'd to a Committee, Col. Birch deliver'd in the following remarkable Report, from the said Committee, on that Occasion.

' That

‘ That the Committee had not thought fit to come to any Resolution, but had order’d him to report the Matter specially to the House. Anno 32 Car. II.
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‘ That the Committee, in the first Place, procur’d certain Papers to be restor’d to the said Norris, which had been taken from him, and were lodg’d in the Council-Chamber. Colonel Birch’s
remarkable Re-
port of the Case
of one Norris.

‘ That it appear’d from the said Papers, and Certificate, deliver’d to the Chair-man of the Committee, by the Earl of Essex, That the said Norris was sent beyond Sea, by Dr. Tongue, to fetch over one Dowdal, an Irish Priest, who was privy to the whole Plot; as, by several Letters to the said Dr. Tongue, perus’d by the Earl of Essex, was apparent. A known Merchant of London, had also declar’d, that the said Dowdal was an honest Man, of good Understanding, and of mighty Credit.

‘ That the Committee, proceeding to enquire, who had, at any Time, Knowledge of the sending over for the said Dowdal, found an Order of Council, dated July 18, 1679, permitting the said Dowdal, there call’d Edward; tho’ not mention’d as a Priest, to come for Dover, and stay for a Month.

‘ And it, likewise, appears, that not long after the said Order was obtain’d, Dowdal died not without Suspicion that it was by Violence: Tho’ it doth not appear that his Death was known in England, till the Return of Norris, which was about ten Months after the Date of the said Order: Upon which, the Committee proceeded to examine how it came to pass, that the said Norris was in such Danger beyond Sea, particularly when coming on board the Packet-Boat at Calais; as likewise, concerning his Imprisonment at Dover, by a Message: And they found it to be, by a Description given of the said Norris to Secretary Jenkins, May 29, 1680, in these Words:

‘ Peter Norris, some call him Morris, a Scotchman, handsome, neat Face, sanguine Complexion, short Nose, bald Pate, white Whig, slender Body, little Stature, civil and smooth in Discourse, speaking French, aged 34 Years, more or less, Taylor by Trade. And, under this Description, written with another Hand, and Ink, these Words: Went into France, Wednesday was three Weeks, to bring with him a Priest.

‘ That it appear’d to the Committee, that this Description was given to the Secretary, by one Thomas Sherridan, who profess’d himself a Protestant, born in Ireland, formerly an Officer of the Revenue there, since belonging to the Duke’s Court, while at Brussels, and from whence he came over with him in his Yacht: But, that he deny’d the writing
any

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any Part of it, except the last Line. That, it was written and brought to him by one Anthony Day, Physician to the

That Sherridan having produced Day, both were examined severally. That the said Day confess'd himself a Papist, pleaded very little acquaintance with Sherridan; but that not having seen him for six Weeks, he made him a Visit, and being ask'd by him News of the Plot, he the said Day reply'd, that now the whole Plot would be discover'd, for there was one gone beyond Sea to fetch over a Priest that knew it all. That he doth not remember any more was then said: but that some few Days after, meeting Sherridan, the said Sherridan desir'd him to describe the Person that was so sent over; to which Day reply'd, that he did not know him, but that he had his Intelligence from one Butler, who kept a Brandy-Shop near the French Ambassador's. Sherridan then desired him to procure the Description of him, which he did; and it being shew'd to him, he confess'd he wrote it from the said Butler's Mouth, all but the last Line; adding, that Butler was now dead, but his Wife still living.

That Sherridan being examined in his Turn, made good his former Confession: And that his acquaintance with Day was but slight, &c. That he went shortly after to Secretary Jenkins, to whom he disclos'd all he had learn'd of Norris and his Journey: And moreover, that he suppos'd the Priest who was to be brought over, was to be a Witness. That thereupon, the said Secretary commanded him to procure a Description of Norris, the Person sent over; which was all he remember'd to have pass'd at that Time. That some short time after, he met with Day, who gave him the said Description, in the Presence of one Wilson of the Middle Temple, which he deliver'd shortly after to Mr. Secretary, as he remembers, only with these Words; Sir, here is the Description of the Person I mention'd to you.

After this Description, deliver'd to the Secretary, a Letter was written by Mr. Cook, which Mr. Secretary declared to the Committee he would take upon himself in these Words following:

S I R,

Whitehall, May 31, 1680.

THE Right Hon. Sir Leoline Jenkins, one of his Majesty's principal Secretaries of State, being hastily called this Day to wait upon his Majesty at Windsor, hath commanded me to send you this inclos'd Description of a Person, who, if he shall happen to come from France, and land at your Port, Mr. Secretary saith, you will do the King and Kingdom great Service if you will keep a strict Eye upon him, and the Company that shall come with him, 'till they be all brought before Mr. Mayor, or other chief Magistrate of your

your Town, when Mr. Secretary directs to offer the said Persons the Oaths of Allegiance and Supremacy; and in case of their, or any of their Refusal of the same, to secure them and deal with them according to Law: Giving Mr. Secretary an account, with what Speed may be, of all the Proceedings in this Affair; if such Person, as is here described, shall come, and make no bones of taking the said Oaths. Yet, in case Mr. Mayor, or other Chief Magistrate, before whom they are brought, shall have reasonable ground to suspect he is the Man so describ'd, and that he hath one or more in his Company, who may be reasonably suspected to be a Priest, some handsome course is to be taken to detain them till Mr. Secretary can be acquainted with what is done, and send such farther Directions as shall be thought necessary. Mr. Mayor's Authority, with your Prudence and Zeal in this matter, will, I hope, produce a good Effect upon this Command.

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I am your most humble Servant,

JOHN COOKE.

Pray favour me with a Line, that this comes safe to hand.

A true Copy.

JOHN PEPPE.

Upon this Norris was committed to the common Prison, as mentioned in his Complaint. All which being of more than ordinary nature, the Committee thought not fit to give any opinion; but humbly refer it to the Wisdom of this House.

The consequence of this was, that Sherridan and Day were ordered to be brought in Custody of the Serjeant at Arms to the Bar of the House, and a Committee was appointed to inspect their Papers: After which they were ordered to continue in Custody during the Pleasure of the House.

The 10th, the said Affair was farther debated; and Mr. Secretary Jenkins having given an account to the House of his Proceedings therein, and being withdrawn.

Resolved, That the Imprisonment of Peter Norris at Dover was illegal; and that the Proceedings of Sir Leoline Jenkins, one of the principal Secretaries of State, by describing the said Peter Norris, and directing such his Imprisonment was illegal, arbitrary, and an Obstruction to the Evidence for the Discovery of the horrid Popish Plot.

Sir Leoline Jenkins censured by the House.

The 14th, it appearing to the House by the Report made at the Bar, and by the Confession of Sir Robert Peyton (a Member) in his Place, that the said Sir Robert Peyton had negotiated with the Duke of York, by the means of the Earl of Peterborough, Mrs. Cellier, and Mr. Godfrey, at

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Sir Rob. Peyton
expelled.

such time when they were turning the Popish Plot upon the Protestants.

Ordered, That Sir Robert Peyton be expelled the House, and that Sir Robert Peyton be brought to the Bar, and do receive the Censure of the House upon his Knees. But not being to be found, the House afterwards ordered him to be taken into the Custody of the Serjeant at Arms.

The 15th, his Majesty made the following Speech to both Houses of Parliament.

The King's
Speech to both
Houses.

My Lords and Gentlemen,

AT the Opening of this Parliament, I did acquaint you with the Alliances I had made with Spain and Holland, as the best Measures that could be taken for the Safety of England, and the Repose of Christendom.

But I told you withal, that if your Friendship became unsafe to trust to, it would not be wondered at, if our Neighbours should begin to take new Resolutions, and perhaps such as might be fatal to us.

I must now tell you, that our Allies cannot but see how little has been done since this Meeting, to encourage their Dependance upon us. And I find by them that unless we can be so united at home, as to make our Alliance valuable to them, it will not be possible to hinder them from seeking some other Refuge; and making such new Friendships as will not be consistent with our Safety. Consider, that a Neglect of this Opportunity is never to be repaired.

I did likewise lay the Matter plainly before you, touching the Estate and Condition of Tangier. I must now tell you again, that, if that Place be thought worth the keeping, you must take such consideration of it, that it may be speedily supplied; it being impossible for me to preserve it, at an Expence so far above my power.

I did promise you the fullest Satisfaction your Hearts could wish, for the Security of the Protestant Religion; and to concur with you in any Remedies, which might consist with preserving the Succession of the Crown in its due and legal course of Descent.

I do again with the same Reservations, renew the same Promises to you; and being thus ready, on my part, to do all that can reasonably be expected from me; I should be glad to know from you, as soon as may be, how far I shall be assisted by you; and what it is you desire from me.

Debate upon it.
William Gee.

Mr. Speaker, Sir, I would willingly move you to appoint a Day to consider of his Majesty's Speech now made to

to both Houses; because it is according to the usual Methods of Parliament; and I should be sorry to see this House shew less respect to his Majesty's Speeches, than former have done. But upon hearing it now read, I do conclude, that it will be to little purpose to appoint a Day for the Consideration of it; because every Paragraph of it tends to Money, unless that about securing Religion, if it may be so understood, notwithstanding the Reservation in it about the Succession. We have already endeavoured, by several Addresses we have made, to assure his Majesty of our Loyalty and Readiness to promote whatever may tend to his Happiness and Greatness; and that when we are secured of our Religion, we will readily give Money; we can do no more than confirm the same, after we have considered this Speech. We having not yet had any encouragement to give Money; we have made several Addresses for Relief of some Grievances the People lie under; but hath any one of them been granted? We have finished one Bill against Popery; but what Success hath it had elsewhere? thrown out as hastily as if it had carried a Fire-ball with it. And yet now it seems, there is nothing to be done but giving of Money; as if all our Complaints were granted, the Protestant Religion secured, and nothing wanting to satisfy the People. Sir, I think, the Complaints of the Nation, as to the Danger of Popery, are so great, and so reasonably grounded, as that it cannot be expected they should longer be satisfied with Words or Pretences; because we have met with many Disappointments, especially after giving of Money. And therefore considering the desperate case we are in, it will not be convenient we should go that way now; but keep our Money until we have got Laws. Which I think is the best service we can do those who sent us here, as the case stands. For these Reasons, I think, we had best adjourn the Consideration of this Speech to some other time.

* Mr. Speaker, Sir, we have been long jealous that there are People that endeavour to create a Misunderstanding between his Majesty and this House, which it is our business to prevent. If there be a difference between two Men, and the one will not hear what the other offers, but be utterly against all Proposals, it would be hard to reconcile two such Persons; Treaties and Debates being a proper way to come to a fair Understanding. It is true, most of the Paragraphs of his Majesty's Speech are *Memento's* about Money; but in the conclusion, he is pleased to tell you, that he desires to know how far he shall be assisted by us; and what it is that we desire from him. Sir, I think, this is a fair step towards coming to a right Understanding; for I am apt to believe

Silas Titus,

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that if the King knew how reasonable the things are that we desire of him, and how ready we are to give him all the Assistance he can desire for the Support of the Government, that we should not long continue under these Misunderstandings; and therefore I humbly move you to appoint a Day to consider his Majesty's Speech.

Resolved, That this House will on Saturday Morning next take into Consideration his Majesty's most gracious Speech, this Day made to both Houses of Parliament.

Debate on Popery.

Lord Cavendish.

The House then *Resolved* into a grand Committee, how to secure the Kingdom against Popery and arbitrary Government. Mr. Powle in the Chair.

' Sir, When I consider the Immunities and Advantages we enjoy by the excellent Composure of our Government both in Church and State: how the King, as Sovereign, enjoys all the Prerogative that can be necessary to make him either great or happy; and the People all the Liberty and Privilege that can be pretended for their Encouragement to be industrious, and for securing to themselves and Posterities the Enjoyment of what they get by their Industry; how the Doctrine of the Church is void of idolatrous, superstitious Opinions; and the Government of Tyranny, or absolute Dominion: I cannot but admire that there should be any Body amongst ourselves, that should aim at any Alteration, and be the Occasion of this Day's Debate. But, Sir, it is too evident that such there are; and that they have made a great Advance to effect their Design, by many Contrivances which they have pursued for a long Course of Years, according to the Results and Consultations held by Jesuits for that Purpose: But above all, by converting to their Religion James Duke of York, the presumptive Heir of the Crown; and by engaging him to espouse their Interest with that Zeal and Fervency, which usually attends new Converts: Especially when so great a Glory is proposed, as the rooting a pestilent Heresy out of three Nations; and the saving of so many Souls as would depend thereon. The sad effect of this Conversion we have felt for many Years, it having had the same Operations in our Body Politic, as some sorts of lingering Poison hath in Bodies natural; made us sick and consumptive, by infecting and corrupting all the Food and Physic which hath been applied in order to preserve us from Popery and Slavery, worse than Death itself. From this fatal Act, the Declination of the Grandeur of this Monarchy may be dated; and to the Consequences thereof, its absolute Ruin (if not timely prevented) will be hereafter attributed. This being our Case, I could not but admire to see this House

So long coming to consider this weighty Point: insomuch, that, I began to persuade myself, that either our Dangers were not so great as our Discourses, upon some other Occasions, had represented them, or that we were not in good earnest to endeavour any Redress. It is true, when we consider what Ill-fortune we have had with our Bill, lately sent up to the House of Lords, in having it thrown out in such a heat, without so much as a Conference, (though whenever they shall consider of it in cool blood, they will find there can be no other way to secure the Protestant Religion) we may with some reason be discouraged. But I hope, Sir, that, seeing our Country have thought us worthy to be their Representatives, we shall not be so easily daunted in what so nearly concerns them; but be as indefatigable in finding out ways for our Preservation, as our Enemies are to find out means for our Destruction; hoping we shall not meet always so bad Success in the House of Lords: For though the too much Kindness of some Men, who pretended to be for the Bill, but underhand made a Party against it, did this Time operate as fatally, as Enmity disguised in Friendship useth to do; yet I hope that on another Occasion we may have better Success; not doubting but a great many Lords, when they are persuaded that they shall not be able to find out any other way (as I hear they begin to despair they shall) to secure the Protestant Religion, that they will join with us in the same, or some other Bill to the same Purpose: Especially my good Lords the Bishops, who cannot be presumed to have made Peace with Rome, but to be ready to die for the Protestant Religion; and therefore, doubtless, will not long stick at joining in a Bill to save it. But seeing that, according to the Course of Parliaments, we are not like to bring this to a Trial for a long Time, I am of Opinion, we had best try something else; and although I know not what other Act can be made to serve instead of that, but will either prove too weak, or too strong: yet seeing we are put upon it, we must try, that so we may not be represented as stubborn. And therefore I humbly move you, that a Bill may be brought in for the Association of all his Majesty's Protestant Subjects.

Sir, Great things are expected from this Day's Debate; and we could not well have entered into it sooner; it now comes more seasonable than it would have done before, because of the Opportunities we have had to feel the Pulse of Affairs since the Beginning of the Session; and the Time we have spent in asserting the Right of Petitioning, by which the Essence of Parliaments, and the Foundation of the People's Liberties were struck at. And the Trial of my Lord Stafford, and the Disinheriting-Bill could not possibly

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Marriage in 1673, and therefore they made an Address to his Majesty, representing the said ill Consequences; desiring him not to permit it, because it would tend to the Destruction of the Protestant Religion. But their Endeavours were defeated by that Party, as we may guess, seeing we find so much Use of her Name in Coleman's Letters; for well might they who have over-ruled in so many great Affairs, as hath been instanced in this House, have an Influence also in this, that so that Party might not want so useful an Instrument in so great a Station; and so the Parliament's Address miscarried; but that they had either a good Judgment, or prophetic Spirit, I hope will never miscarry, but remain upon Record. And unless you believe, that these Ladies are less compassionate than others usually are, how can it be otherwise, their Principles considered? But, Sir, I will not trouble you farther about it; but suppose it may be worth your Consideration in due time. In the Interim, I agree for the Bill of Banishment and Association too.

William
Harbord.

Sir, it is not to be doubted, but that Popery and arbitrary Government are so near of kin, that they cannot be separated; and therefore, if we destroy the one, we need not fear the Destruction of the other. Before our late miserable Wars, Popery was more in masquerade; and arbitrary Power, the Loans, Monopolies, and Ship-money, more invisible; now Popery is more visible, except in the Business of the Exchequer, which amounting to above one Million of Money, we may not admire we have not heard of more great Things of that kind, since especially; being we know how averse the King is to hearken to such Advice; but our Fears of Popery are the stronger, because of the Popish Successor; and therefore I cannot but commend the Policy of those who are tender in using arbitrary Proceedings at this Time, lest the Fears and Jealousies that might arise from both together should prove intollerable.

I must confess, Sir, I am at a great loss what to offer to your Consideration in this Matter; for our Danger is not only from the Strength of the Popish Party, but from the Weakness of the Protestants by reason of the Animosities which they sow amongst us, not only in Points of Religion, but of Interest too. For of late they have not been content with carrying on the Design of dividing the Churchmen and Fanatics, but of arraigning the last Parliament as omnipotent and dangerous, for going about to disinherit the Duke. They endeavour to divide the People in their Opinions as to Parliaments, and to render them incompatible with the Government, that, so, if possible, they may keep the Protestant Interest divided, and work them to destroy themselves, by engaging Party against Party, in hopes at last to have but one Party to deal with, and

to have an Opportunity of gaining the weakest to their side by Assurances of Liberty of Conscience, or otherways, which must certainly be the Consequence of such a Contest. And although I am very unwilling to detract from the Merits of our Churchmen, for whom I have a great Veneration, yet I cannot but observe, how that ever since the Trial of Wakeman was over, but more about the Time of the Presbyterian Plot, they preached up (especially in public Assemblies) the Danger of Fanatics to be more than of Papists; and that to disinherit the Duke was against the Law of God. Which said Opinions, if they should be imbibed by the People, what will your Association-Bill signify, or any other Law you can make against Popery? Sir, I do not mention these things to you without a great deal of Regret; for I am well known to be a true Friend of the Church, and have (when I was thought worthy to be in Commission) express my self a severe Enemy to Fanaticism. But however, I cannot but observe this strange Contradiction, of pretending to keep out Popery, and yet at the same time to endeavour to divide the Protestant Interest, and to reserve a Right to make a Papist King. I must confess, I am more distracted from the ill Consequences I fear from such Contrivances as these, than from the Strength of the Papists themselves. They will certainly go on with their Interest, as long as they are secure of such Auxiliaries. These Things must be considered in the drawing your Bill, that so the Remedy you propose may be proportionable to your Disease. For an Act of Association may be several ways evaded by such Opinions as these, if they should grow amongst the People; and it will be an irreparable Blow to the Protestant Interest to accept of such an Expedient, if it should prove ineffectual. And therefore it ought to be so drawn, as may provide for all the Contrivances of that Party: For, Sir, I cannot imagine that ever Popery will attempt to come into this Nation bare-faced, but do expect that the Design will always be carried on, as hitherto, under some disguise, either by a Toleration in favour of tender Consciences, or in the Name of Churchmen, or a loyal Party, for the Defence of the Church or Government, to which some Presbyterian Plot would much conduce, and be an excellent Pretence for raising of an Army, and apprehending or disarming of such Persons as are most likely to oppose that Interest. I must confess, Sir, I have not very well digested what I have said to you on this Subject; but unless you can change the Interest at Court, and remove these Counsellors that are so much for the Duke, I think you may justly fear all these Stratagems, and that it will be impossible to contrive any Association-Bill that can provide against them. And therefore, that we may not spend our Time in vain, I would humbly move you, Sir,

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I. B. perhaps
Col. Birch.

to go on with the Bill of Banishment, which is most likely to do you some Service. At least, by it we shall see, whether any thing will be granted against Papists, or no: For this Purpose it will be necessary, that the House be moved, that the Knights, Citizens, and Burgeses be commanded to bring in a List of all the most considerable Papists in England, in order to banish the most notorious.

Sir, I retain a good Opinion of an Association-Bill, notwithstanding what hath been said, as to the Weakness it may receive from our unhappy Divisions in Points of Religion and Interest, too much promoted by some of our Clergy. For, Sir, when I consider how the Laudean Principles, as to raising of Money without Parliaments in the late Times, infected most of our Clergy, so as that they not only preached up the King's absolute Authority over Men's Properties, but branded with the Title of Rebels, and condemned to hell those that offered to argue against it: I do conclude, that it is usual for one or two Bishops to give Measures or Directions to the rest of the Bishops, and they to the Clergy of their several Diocesses: And that therefore the Clergy derive their Politics generally from one or two Bishops in some great Station. Yet, Sir, when I remember how, after some little Time, many of the Clergy fell off, and would not follow such Instructions; and how the People soon excused themselves from following their Advice in such Politics, and would not freely pay illegal Taxes, notwithstanding all their Endeavours; I am apt to think, Sir, that as the People were not long then misled, so as to submit to lose their Property, so they will not now to any Thing that shall tend to the losing of their Religion and Property both. They will soon discover what is their Interest, and how true Interest will not lye. I have often told you within these Walls, they will soon apprehend that Popery will bring in Slavery, and reduce them not only to an idolatrous, superstitious Religion, but to wear wooden Shoes like the French, and to eat Herbs like the Spaniard, because they will soon know that they shall not be long Masters of any Thing they have: And however they may be persuaded for a while, I am confident they will at last consult how to save their Bacon. They will discern that the Clergy may be good Divines, but not so good Politicians; and that there may be some Difference in point of Interest between them and the Clergy, because Clergymen may be in a Possibility of being advanced by Popery if they submit; but the Laity under a Probability of losing all, notwithstanding all submissions. Sir, I do not trouble you with this Discourse out of a Fear that our Clergy will not shew themselves good Protestants; for I have that Veneration for them, and Opinion of them as to believe that many of the Bishops and Clergy too would

would as soon die for the Protestant Religion as many Persons in the Nation. But I am jealous that there is some over-awing Power got in amongst them, something answerable to that of a Popish Successor in the State; by whose Means those Bills were so easily pass'd in the late long Parliament, under a Pretence that they were for the Preservation of the Protestant Religion, which the Commons then found, and any Person that will now peruse them may find, would infallibly have brought in Popery: And how, since the Plot, the Danger of Fanatics is cried up more than that of the Papists; and how tender they are in the Point of a Popish Successor, or joining in any thing that is against him. But though these Things make me jealous there is some body that misleads them now in Matters relating to Popery, as formerly in Things relating to Property; yet I am of Opinion that they will ere long see, that to stand up for the Interest of a Popish Successor, to have a Popish King, to weaken the Protestant Interest, and speak ill of Parliaments, is not the right Way to preserve the Protestant Religion; but a plain Contradiction, and an Invention of Jesuits. And therefore, Sir, I am for going on with the Association-Bill; for I will never doubt that the true Interest of the Nation, in so great a Concern as this, will long be baffled by such Projectors. And therefore it is my Desire that the House may be moved to appoint a Committee to draw up a Bill for that Purpose.

'Sir, I think you have been well moved, as well for the Association-Bill as the Banishing-Bill. By the one, you will send your Enemies out of the Country; by the other be in a good Condition to keep them out, which may go a great way to secure us.'

Sir F. R. Sir J. H. and Mr. L. G. for the Banishing-Bill.

'Sir, I am not against any of these Bills, because they may be all convenient for the present Occasion; but if any Man think that these Bills will do without the Succession Bill, I believe they will find themselves mistaken: For these Bills will signify nothing, unless you can remove your Popish Successor, and your Popish Interest. These Bills will not reach your Papists in Masquerade, who will certainly continue as long as there is a Popish Successor, and make your Banishing-Bill, and Association-Bill too, as ineffectual as white Paper. Let such as I could name to you have the Command of the Sea-Ports, (as I suppose they will without my naming them) and in the Lieutenantancy, and Commission of the Peace, and when the present Heat is over, let the Papists come back when they will, they will have no Cause to doubt having a kind Reception. For you must not expect to have plain rustic Country Gentlemen, in such Commands, but well bred Courtiers, and some good, easy, credulous Gentlemen that will

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be persuaded there is no Danger in Popery; and then of what use will your banishing or Association-Bill be? As long as the Duke hath so many Friends at Court, (between whose Interest and Popery I cannot hear there is any Distinction) I think no Laws that we can make against Popery will do us any Good, because all the Laws we have already have done us none. For the same Arts and Power that have hitherto defeated all your other Laws, will also defeat what you are now about. And therefore, Sir, I am of opinion we are not now acting like the true Physicians of the Nation, but like Mountebanks. For the most we shall be able to do this Way, is to patch and plaister up our Sores, and have them hereafter break out incurable upon us. But if you are resolved to go on with these Bills that have been proposed, I will not offer to oppose the Sense of the Committee, but would move you, (that we may not forget, or lose in the Croud, that which at last, I believe, must be pursued, if ever you will do any Thing for your Religion) that in the first place you pass a Vote, That it is the Opinion of this Committee, that as long as the Papists have any Hopes of the Duke of York's succeeding the King, the King's Person, the Protestant Religion, and the Lives and Liberties of the People, are in apparent Danger.

W. Titus.

Sir, I have read that a great Minister of State of Spain, gave this short Advice to a Friend of his that was coming Ambassador into England; that he should not always aim at the best. I think it may be convenient for us to follow that Advice; for if we should not have something for our Security, before we get the best, I am afraid it may happen to us, as it did to a Man whose House was beset with Thieves; he was so long arming his Servants, and appointing them their distinct Quarters, that the Thieves broke in, and caught them all unprovided. I pray God it may not be our Case; though I am very sensible that none of these Bills can effectually do our Business; for nothing can secure us against this Party, but being free of their Principles as well as of their Persons; which I conclude will always remain in some Persons amongst us, notwithstanding your banishing of Papists, as long as there is a Popish Successor. For I remember what a great Man of Swedeland told me, that all Laws they could make had never any effect against them, until they not only banished them out of their Country, but secured the Government in the Hand of Princes of their own Religion; and I am afraid, that nothing less than the same Way will ever do our Business here. For it is not so much the Number of Papists, as their Principles, and the Danger of their getting the Government into their Hands, which we know they have been long aiming at, that may justly be feared, in which I am persuaded they will

will be so restless, as that we shall never be secure against them, unless we can banish their Principles from Court, as well as the People out of the Country.

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' Sir, what my good Friend that spoke last hath said, that we should get something, and not lose all, by aiming so earnestly at the best, is very well, if we were like to get any thing instead of it, that shall have the Appearance of being serviceable in this case: But I have seen old Parliament-men mistaken sometimes, and I am afraid that he will sooner see this Parliament dissolved, than any thing granted that shall be material against Popery. And that the mentioning of these Bills shall afterwards arise in Judgment against you; however, I think we must adventure. What this Association-Bill may be, I cannot tell, until it be drawn; but I see no Opposition made to any of those Bills that have been proposed; and I believe there is much Business yet behind for this Day, and that you will do well to husband your time, and put this Business out of your Hands, by putting the Questions.'

Sir Francis
Winnington.

' Sir, you have been very well moved for the bringing in of such Bills as may tend as much to the Security of the Protestant Religion, as any that can be offered. That of Banishment will certainly go a great way to destroy, not only their Power, but their Interest and Principles too, and be a great disheartening to their Party abroad. That Interest will not then have so many Engines to work with here, as now they have. And the Bill of Association will be necessary, that we may have a Law to defend ourselves. The Association made in Queen Elizabeth's Time, will be a good Precedent to draw it up by. And seeing there is no Opposition, I move you to put the Question.'

Sir Richard
Temple.

Resolved, That it is the Opinion of this Committee, that one Means to suppress Popery is, that the House be moved that a Bill be brought in immediately, to banish all the considerable Papists out of the Kingdom.

' Sir, by offering at the Exclusion-Bill, we may conclude we have offended the Duke of York; by this Bill for Banishment, all the rest of the considerable Papists in England. As we have made many Enemies, so it will be convenient, that we should endeavour to get some Law to defend ourselves against their implacable Designs. For which a Bill for an Association of all his Majesty's Protestant Subjects may do well; and therefore I pray that we may move the House to have it brought in.'

Ralph Montagu.

' Sir, as we are sick of complicated Diseases, though all have their Original from one Cause, seeing we cannot be permitted to cure that Cause, we must think of many Remedies to cure the many Evils that sprout from it. The Banish-

W. G.

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Banishing of the Papists alone will not do it: And I am not willing to pass any Judgment on the Association-Bill before I see it. But, Sir, what Fruit can you expect from your Laws, unless you can secure good Judges in Westminster hall, and good Men in Commission in all other Places? Is there at this time a Judge, a Deputy-Lieutenant, or a Justice of Peace in Commission, that you can expect shall act against the Duke of York? Or if any such be in, are they for more than a Colour? Are they not over-powered by such as are for the Duke's Interest? If this do not make all your Laws invalid, by not executing them; is there not an Army of about ten thousand Men under the Name of Guards? and may not more be raised? And what then will your Laws signify? Have we not already had some Experience of this, when the Toleration came out in 1672. when there was that Army at Black-Heath, and Clifford had the Management of the great Affairs of State? If the King had not then hearkened to the Advice of his Parliament, what would all the Laws that were then in force against Papists have signified? And may you not see the same again, if you do not take some care to prevent it? What great Difference between Clifford and some of our present great Ministers, only that he had that Weakness to declare himself to be a Papist, and these the Discretion to keep the Knowledge of their Religion to themselves. But we see they manage things as much in favour of Popery, as ever Clifford did. Did not that Toleration, that Army, and that Minister of State, repeal all your Laws as effectually, as if they had never been made? When I consider how the Triple-League was broke, after we had made Laws for the keeping it, by giving near three Millions; how the Peace was made up at Nimeguen, after we had made an Act for an actual War with France, and given above a Million for entering into it; I will never believe that any Law will be observed, make what you will, unless there be those about the King that may be for the keeping of it; otherwise you shall have such Judges, Justices, Deputy-Lieutenants, and other commissioned Officers, as will repeal your Laws at pleasure. And therefore I could wish you would consider well, how you possess those that sent you here, with an Opinion that they may depend upon such Laws as these. And at the same time, Sir, that you are consulting the Destruction of the Papists, I think you may do well to endeavour the Preservation of the Protestants. Is this a Time for the Church-men and Dissenters to quarrel? It is like two Men riding upon a Road, a Highway-man coming to rob them, instead of uniting to defend themselves, they quarrel and disarm one the other, and so were both robbed. I pray

pray God, this do not prove at last our Case. For as that Project of the Papists hath, since Wakeman's Trial, had strange Success in dividing us; so no doubt but it will at last come to disarming us too; and how that will facilitate their Conquest, may be easily calculated? Is this a time to weaken the Protestant Interest, by tearing us in pieces by the Execution of Acts made against Papists? That Man who can believe, that that is the way to preserve the Protestant Religion, or Protestant Church, is fit to believe that St. Dennis walked many Miles with his Head under his Arm, or any other Popish Miracle whatsoever. And therefore I think you will do well to hasten the Bill for uniting of the Protestant Dissenters, that we may bring into the Church as many of them as is possible, and not longer be so infatuated as to gratify the Papists in that particular, by doing their Business in destroying one another; but prevent them if possible by Union, which will tend more to prevent Popery than all the Bills that have been proposed.

'Sir, I have read in Scripture, What King going to make War against another, sitteth not down first, and consulterh whether he be able with ten thousand to meet him that cometh against him with twenty? I take the Denial of the Bill of Exclusion to be a plain demonstration, that the Popish Party should not be deprived of a Right to govern us; and it is not to be doubted, that having that Right, they will be sure to make use of all the Power they can back it with. That we may be the better able to judge, whether we can fortify our selves sufficiently against such a Right, and the Power that will naturally follow it, I pray, Sir, let us follow our Saviour's Advice, and consult, whether with ten thousand we can meet twenty thousand.

'When I consider how the triple League was broke, and how all Alliances and Transactions relating to Peace and War have been since managed in favour of the French Interest, contrary to the true Interest of England, and the pressing Importunities of foreign Nations, as well as our own, I think we cannot but conclude that the Duke's Interest, the French Interest, and Popish Interest, are all one. And that the Duke's or Popish Interest have some great Dependence on the French King, for his Assistance in the settling of Popery here. And no Man can doubt this, but he that will not believe Coleman's Letters, or that there was a Peace made at Nimeguen, in order to put him in the better condition. If the Jesuits do manage all the Affairs of Europe, as is said, it may be justly feared, that the French King will improve this Argument so, as to get Flanders, if not Holland too, before he perform his Promise of giving them the expected Assistance; which, being it

anno 12 Car. II. will conduce to the destroying of the Protestants abroad,
 2680. as well as here, we may justly fear the Jesuits will never
 obstruct.

‘ Besides the Dependance which the Papists may have of Assistance from this mighty Monarch, in Ireland they are five to one for the Protestants, and amount to many hundred thousands, full of bloody Revenge, derived from their Ancestors, wanting nothing but Arms, (which they may have from France in a Night) to be enabled to massacre all the Protestants in Ireland, and to be ready to be transported hither. How the Plot hath been carried on there in order to it; how Endeavours have been there used to stifle and counterplot it; who commands all the English Coast opposite to Ireland, we know; and how our Forts and Castles are provided, the Examination of the Governor of Cheapstow-Castle may inform you.

‘ And that they may not want a Strength to compel us on every side, is not the Government of Scotland quite altered, by some Acts made within these few Years? Is it not become very arbitrary, Parliaments in a manner laid aside, and the Power invested in a Privy-Council? And is there not a standing Army of twenty two thousand Men, settled by Act of Parliament, with a Declaration, that they shall be ready to come into England upon any Occasion? And is not the Duke now there, managing the Government of that Kingdom, and Army too, by putting his own Creatures into the Council and into the Command of the Army, and using all other Ways imaginable to improve his Interest there?

‘ And may we not conclude, that in England there may be one hundred thousand Papists fighting Men, and that Portsmouth, Plymouth, Sheerness, Tilbury-Fort, and Hull, and all other Places of Importance, shall, when that Interest shall think it convenient, be in the Hands of Persons they may confide in, as well as the Command of the Militia and Fleet.

‘ And what now, Sir, can any Man say is wanting, to enable this Party to make a great Contest with us, but a Popish King to head them? And does any Thing stand in their Way for that, but his Majesty’s Life? And is it not strange, that though we see Things never so plain, there is no Remedy for poor Protestants? Can it be imagined, that if this Party should once have a King on their side, endowed with a valourous Spirit, and vowing Revenge, spurred on with a fiery Zeal, to get not only three Crowns on Earth, but the Crown of Glory in Heaven, by rooting a pestilent Heresy out of three Nations; that they will neglect so great an Opportunity for the establishing of Popery here? And will not the Divisions they carry on amongst us, as to Churchmen and Fanatics, Plot or no Plot, be very useful to them; but especially

especially their Arraignments of Parliaments, and all that speak against Popery, as Forty-one-men, and Enemies to the Government, occasion a great Weakness on our side? I think, Sir, all this put together makes a great Strength for that Party, enough to bring us into Misery, whatever the Issue may be. I would now, Sir, give you some Account how the Protestants may be able in such a Case to defend themselves; but I protest, Sir, I know not what Defence they will be able to make legally. It is true, Sir, as long as our good King lives, we may live in quiet; but things being thus, are not the Papists under great Temptations to go on with their old damnable Design, or set up a new one for the Destruction of the King? And if it should so happen, either by their wicked Counsels; or naturally, I think there is no Way left us to oppose this Party, but by a Rebellion; and therefore I think we may conclude, that our Lives, Liberties, and Religion, are to terminate with the King's Life.

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'I confess, Sir, this is a melancholy Discourse, but I am afraid too true; and that the more you consider of it, the more Reason you will have to believe, that there is such a Net spread to catch poor Protestants, as cannot fail to do it effectually, whenever the Jesuits shall be pleased to draw it. And our Condition looks the more dismal, because though King, Lords, and Commons, have so often declared, that there hath been a damnable, execrable, devilish, hellish, abominable Plot carried on by the Papists, yet that all Remedies against the like for the future must be denied us; I mean such as can signify any thing: And we must now again be exposed, as we were before the Plot broke out, to all their Barbarities, having only weakned that Party by executing about twenty old Men; but strengthened them much more, by having discouraged all Witnesses from ever revealing more of their Plots, and by the Discoveries they had made of the Strength of their Party, in the stifling of this Plot. And yet all will not open the Eyes of some Protestants, that so, if possible, we might be so happy as to lay our Divisions aside, and join against the common Enemy, without which we must certainly be ruined.

'And if this be our Case, and there be nothing wanting but a Popish King to complete our Misery, and the Art of Man cannot find out any Way to secure us against a Popish King, without the Exclusion-Bill; is it not strange it should be rejected in the House of Lords? I cannot believe that the Fathers of the Church should join in that, which must infallibly give Opportunity for the tearing out of the Bowels of their Mother, and destroying her for ever. If so, well may we lie down and cry, We have no body to help us but only thou, O God.

'Sir, I have troubled you too long, but I hope what I have said, may be of some use to you in resolving about

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these Bills that are proposed, though I think they will all come short of our Case. Seeing you have voted a Bill for the banishing of the Papists, I think you may do well to try what a Bill of Association may amount to: But I agree with the Opinion of those worthy Members that have told you, that these things are put upon you, that you may give occasion to those that wish ill to Parliaments, to argue thereby for your Dissolution; and afterwards to persuade the People that you went about to dissolve the Foundation of the Government. And therefore I do not expect any good Effect of these Bills.

Sir Francis Roll. ' Sir, by the serious Discourse which that worthy Member hath made of the Sadness and Insecurity of our Condition, we may plainly see, how, by the Interest of the Duke of York, there is a great Power combined against us, and that our Condition is irrecoverable, if he should come to be King. And therefore, Sir, I desire you would put the Question, upon a Motion that was made a little while since, that it is the Opinion of this Committee, that, as long as the Papists have any Hopes of the Duke's succeeding to the Government of this Nation, the King's Person, nor the Protestant Religion, nor the Government of this Nation, can be secure.

Resolved, That it is the Opinion of this Committee, that as long as the Papists have any Hopes of the Duke of York's succeeding the King in the Kingdom of England and Ireland, and Dominions thereunto belonging, the King's Person, the Protestant Religion, and the Lives, Liberties, and Properties of all his Majesty's Protestant Subjects, are in apparent Danger of being destroyed.

Sir Gilbert Gerard.

' Sir, I am of Opinion the Popish Plot goeth on as much as ever, and the Papists are so proud of it, that they cannot forbear bragging of their hopes to see better Days speedily. I think, Sir, seeing we are not like for one while to have the Exclusion Bill, we shall appear neglectful of our Duty, if we do not try what Security can be contrived by an Association-Bill: And therefore I humbly pray, that the House may be moved to appoint a Committee, to draw up and bring in a Bill for associating all his Majesty's Protestant Subjects.'

Sir Henry Capel.

' Sir, The Reason why we are now in this Debate, is because a Negative is pass'd on our Bill for excluding the Duke of York. It is strange, seeing the Danger of the Protestant Religion is so great, (if there be any Intent to save it) that the only Bill which could serve for that end should be thought too much. I am of Opinion, that no other Bills can do us any Service at all (for it will be pretended they are all void, because made against the Right and Prerogative of your lawful King) without this Exclusion-Bill.

Bill. Yet, seeing his Majesty hath so often in his Speeches recommended the Security of the Protestant Religion by other Ways, I think it is our Duty to try what other Laws can be made, though it be only to give the King and the World Satisfaction, and to enable us the better to judge, whether such Speeches proceed from his Majesty's Goodness, or from evil Counsel. I must confess, Sir, I am afraid, (seeing the Duke of York's Interest is now as great at Court as ever, and that there are so many of the Privy Counsellors for him, as well as most others in Places of Trust and Command) that they that advise the King to put in that Limitation in all his Speeches, do know, that without that Law there can be none made that can prejudice the Duke's Interest, and so consequently not save the Protestant Religion, and therefore they advise it. For how can we reasonably presume otherways, seeing his Interest is so fix'd as it is, and the Wheel within the Wheel continues, which hath been so often complain'd of. When I ponderate on the good things his Majesty always doth, when he is pleas'd to exclude the corrupt Politics, and Advice of others, I cannot but lament afresh our great Misfortune in having a Popish Successor, that should be able to create such an Interest, as to hinder us from the good Effect thereof. His Majesty did once declare, how sensible he was of the Inconvenience of being advis'd by private Cabals, and seem'd resolv'd to dismiss them; and from that Time forward to advise with his Privy-Council, and in Cases extraordinary, with the great Council the Parliament. How he came to vary from that Resolution, I do not know; but I am afraid we shall not see any Alteration in favour of the Protestant Interest, until we see some Change in that Particular. For though the Duke's Friends may do very well to preserve the Duke's Interest, which upon all Accounts is Popery; yet, I think, they are very inconsistent with the Preservation of the Protestant Interest: And therefore until some Alteration is made in Council, as Parliaments have labour'd in vain against Popery these two Years, so I am afraid we shall now. However, Sir, I am not against trying what Strength you can make of an Association-Bill; but I am afraid, that, without the Exclusion-Bill, you will find your Work endless; and that one Bill will occasion another, and all prove to little purpose without it, and that you will but give your Enemies a Handle to represent you amiss, and get nothing.

'Sir, The many Discourses you have heard this day, touching the Strength of the Popish Interest at home, and how combined with foreign Power, doth not so much startle me, as to see, that all the Strength, upon which the Protestant Party must depend for Security, is put into the Hands of Persons who are for the Duke's Interest, which we have

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Reason to understand to be the same with Popery; not a Person being employed in any Place of Command or Trust, that ever declared against that Interest. If I be mistaken in what I say, I desire to be corrected; I speak according to the best Information I could have, and I believe all here know, what an exact Scrutiny there hath been often made in all Countries and Corporations, for the finding out of Men that way inclined, or otherways so qualified, as are not fit to make any Opposition to the Designs carried on by the Popish Party. And if by Chance any is put in, not fettered either by Opinion or Interest to that Party, upon the first Appearance he is presently discharged, as if he were a Traitor to his Country. And now, after a long Interval of Parliaments, and more and more Discoveries of the Reality and Danger of the Popish Plot, not only here but in Ireland, and of the many Contrivances of that Party to stifle new Evidence, and to corrupt and discourage the old, of the certain Ruin of the Protestant Religion from a Popish Successor and Popish King, what Remedies are we like to obtain this Session? I am afraid very few or none; for I must confess, I am still of Opinion, there can be none without the Exclusion-Bill, which the Lords have thrown out without so much as a Conference; and therefore I am afraid, that what the Witnesses have said they were told by several Jesuits, is true; That Popery was so clenched and riveted, that it did not lie in the Power of God, nor Man, to prevent the Settling of it in this Nation. And if we consider what an Interest that Party hath now at present, and how Things are prepared to afford them a greater Assistance hereafter; how a Popish King, as well as our Divisions and Animosities, will contribute to it, though I hope, God will make them Lyars; yet, I conclude, they have a great deal of Reason to be very confident. And I see not how we can help ourselves, seeing there are so many Ministers of State about the King, who are as a Partition-wall between him and his People. I find in Coke's Reports, that, when the Nation was in apparent Danger, the People might go directly to the King with their Grievances, and make their Complaints and Petitions known. I think we may do well to consult this Text, and see if we can find out any better Way than what we have tried already, to convey our humble Supplications to his Royal Person. In the mean time, I think you had not best to go off from the Bill of Association; for which we have a Precedent in Queen Elizabeth's time, first made by the Gentry, and afterwards confirmed by Act of Parliament.

L. Gower.

‘ Sir, I would not discourage you from going on with these

these Bills; but I am afraid they will fall far short of the Power and Strength that will be necessary, to root out an Interest that hath been above one hundred Years riveting itself by all Arts and Ways imaginable, and hath now fixt itself so near the Throne. I must confess, I am afraid we are at Labour in vain, and that this Interest hath so clenched itself, (as the Jesuits term it) that it will break not only this Parliament, but many more, if not all Parliaments, and the Protestant Religion too: It is too weighty to be removed, or perverted, by such little Bills as these: No, Sir, you will find, that nothing less than a firm Union amongst all the Protestants in this Nation can be sufficient to give any Check to this Interest. As long as there are amongst us so many Persons, as know not rightly how to apply the Dangers of the Church and State, nor the Miseries of forty one, but will be led by Popish Projectors, I am afraid such Bills as these will not do our Business: Because they will not destroy that footing which they have at Court, nor strengthen the Protestant Interest, which must have its Original from Union. It is strange that none but those who are for the Duke's Interest, should be the only Persons thought fit to be in Places of Trust! It is so strange a Way to preserve the Protestant Church and Religion, that it raiseth with me a Doubt, Whether any such thing be designed. Such Persons may be proper to manage Affairs in favour of the Popish Interest; but it is to be admired, that they, and they only, should be thought fit to be intrusted with the Protestant Interest. I think it as hard for them to do it, as to serve two Masters. It is not usual in other Countries, to retain their Enemies in the Government, nor such as are Friends to their Enemies; and it is strange that we, of all other Nations, should fall into this Piece of Policy. But, Sir, for these Reasons you may conclude, that, unless what Laws you make be strong and well-penned, they will signify nothing against so powerful a Party as you have to do with.

Sir, Though it plainly appear, by what hath been said upon this Debate, that the Protestant Religion is in a dangerous Condition, yet when I consider how strangely God's Providence hath hitherto helped us, and defeated all the wicked Stratagems of this Party, I cannot despair. Notwithstanding the breaking of the Triple-League, the Dutch-War 1672, and the Assistance given the French, the Protestants abroad are not all destroyed: Neither by their firing of London, endeavours to corrupt Parliaments, and Contrivances against the King's Life, have they yet destroyed all at home. And as I doubt not but the King is willing to secure the Protestant Religion to us and our Posterities,

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Sir William
Jones.

Posterities, so I hope he will hearken to us, and grant such Laws as may be necessary for the securing of it, he being most concerned therein. And therefore I hope that at last he will concur in such Laws as we shall propose for that End, or contrive better.

'Sir, There hath been so much said already upon the Subject-Matter of this Debate, that I shall have little occasion to trouble you long. The worthy Member that spoke a while since, hath showed you from whence our Fears of Popery arise, from the Dependance they have of Assistance from France, Ireland, and Scotland, in case there should be a Popish King, besides the Party they have here, and the Advantage they will have by the Government, which is already secured for that Interest, and of itself would be sufficient to contest with the Protestant Interest, who, in such a Case, would have no King to head them, no Persons in any Place of Trust to execute any Laws in their behalf, nor no legal Power to defend themselves. And therefore, seeing there is a Negative pass'd upon the Bill, we had contrived to secure us from these great Dangers, I think, Sir, we may do well to try if we can get any thing else. But I am persuaded if this Association-Bill be made as it should be, that we shall have no better Success with it than we had with the Exclusion-Bill: For I am afraid, that though we are permitted to brandish our Weapons, yet that we shall not be allowed to wound Popery; but rather do believe, that they who advised the throwing out of that Bill, will also do the same by this, or dissolve the House before it come to Perfection: For this Bill must be much stronger than that in Queen Elizabeth's Days; that was for an Association, only after her Death, but I cannot tell if such a Bill will secure us now, the Circumstances we are under being very different. In Queen Elizabeth's Days, the Privy Counsellors were all for the Queen's Interest, and none for the Successor's; now, most of the Privy-Counsellors are for the Successor's, and few for the King's. Then the Ministers unanimously agreed to keep out Popery, now we have too much Reason to fear, there are many that are for bringing it in. In those Days they all agreed to keep the Popish Successor in Scotland, now the major Part agreed to keep the Successor here; all which must be considered in drawing up of the Bill.'

An Association-
Bill voted.

Resolved, That it is the Opinion of this Committee, that the House be moved, that a Bill be brought in for an Association of all his Majesty's Protestant Subjects, for the Safety of his Majesty's Person, the Defence of the Protestant Religion, and the Preservation of his Majesty's Protestant Subjects, against all Invasions and Oppositions; and for preventing the Duke of York, or any other Papist, from succeeding to the Crown. The

The 17th, *Ordered*, that Sir William Jones, Mr. Harbord, Sir Charles Musgrave, Sir F. Winnington, Sir Thomas Lee, and Sir William Pulteney, do withdraw, and put the Articles against Mr. Seymour into the Form of an Impeachment forthwith, and make Report thereof to the House; which being done, and agreed to by House:

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Proceedings on
Mr. Seymour's
Impeachment.

Ordered, That Mr. Seymour be taken into the Custody of the Serjeant at Arms, for securing his forth-coming to answer the Impeachment of this House against him, until he shall have given Security to this House, to answer to the said Impeachment; and that the Serjeant at Arms be empower'd to receive Security for the forth-coming of the said Mr. Seymour, to answer to the Impeachment of this House.

The same Day the House resolved into a Committee, farther to consider of Ways and Means to secure the Kingdom against Popery and arbitrary Government; and after several Debates, how ineffectual all Laws would prove, without good Judges, Justices, and others in Commission, that will execute them; and how frequent Parliaments would conduce to have Laws put duly in Execution;

Resolved, That it is the Opinion of this House, that the House be moved, that a Bill be brought in, for the more effectual securing of the Meetings and Sitzings of frequent Parliaments.

Votes to secure
the Kingdom
against Popery,
&c.

Resolved, That this House do agree with the Committee, that a Bill be brought in that the Judges hereafter to be made and appointed, may hold their Places and Salaries, *quomdiu se bene gesserint*: And also to prevent the arbitrary Proceedings of Judges.

Resolved, That this House do agree with the Committee, that a Bill be brought in, against illegal Exaction of Money upon the People, to make it High-Treason.

The 18th, His Majesty's Speech, made to both Houses December 15, was read.

Debate on the
King's Speech.

Mr. Speaker, Sir, the Veneration that is due to all his Majesty's Speeches doth require, that we should seriously debate them before we give any Answer to them; but the Circumstances we are under at this Time challenge a more than ordinary Consultation: For, by the Tenor of the Speech, I conclude, that the Success of this Parliament depends upon our Answer to it; and consequently, the Safety of the Protestant Religion, both at home and abroad. And therefore I think myself very unable to advise in this Matter, and should not have attempted it, but that you have encourag'd me by your leave to speak first. So that if I offer any thing amiss, those that come after will have Opportunities to correct me. I would begin with the latter End of the Speech first; because that Part of it is most likely to beget a fair Understanding between

J. Hampden.

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tween his Majesty and this House. But I cannot but observe, what great care is here again taken to preserve the Succession in the right Line, as in all other his Majesty's Speeches ever since the Plot broke out. I think more could not be done, though it were in behalf of the King's Son, and a Protestant too. That Limitation, and his Majesty's Offer of securing the Protestant Religion, (if by Succession in the right Line be meant the Duke) upon many Debates in this House is found irreconcilable; and therefore must be imputed to those that have advised his Majesty thereto. To preserve the right Succession in the Duke, is to preserve something or nothing: The something must be no less than the Crown, in case of his Majesty's Death; and so consequently the Interest of the Popish Party, who, after one hundred Years Endeavours to have a Prince of their own Religion, the indefatigable Industry of the Jesuits to obtain it, and the Loss of so much Blood spent therein, will, besides their Principles and Inclinations, lay on them great Obligations, to make use of the Opportunity to establish their Religion again in this Nation. So that I must confess, these Reservations look to be like a perfect Design to save the whole Party, accompanied with a Power and a Pretext sufficient to enable them to accomplish their End. For to this the saving of the Duke's Right doth amount, and consequently the Destruction of the Protestant Religion: Which cannot be imagined to proceed from his Majesty. In former Times, the Interest of no one Man could ever bear up against the Interest of the Nation; now it seems, that the Religion, Lives, and Liberties of all the People of this Nation, nay, I may say, all the Protestants of the three Nations, must be all lost, rather than one Man be dispossessed of his Right; though by his Act he hath made himself incapable to enjoy it. Certainly there must be more intended by this than the saving of one Man; it must be the saving of a Party: And therefore, Sir, I am afraid we are but where we were two Years ago: For it is plain to me, that there is a certain fatal Scheme, which hath been exactly pursued these twenty Years, in order to destroy the Protestant Interest, and hath had a strange secret Operation in the Management of all our Affairs: And although now and then some Accidents have happened, that have occasioned some alteration for a Time, as by his Majesty's recalling the Toleration, some Transactions of Parliaments, the breaking out of the Plot, and his Majesty's Toleration of his Council in 1679; yet I observe, that after a little while there is no change in the main; all returns to the old Scheme, as if there were a certain infallible Ballance that did preponderate. We have had so much Experience of his Majesty's Goodness and Inclinations, that we cannot but conclude, that there is still some such thing, as a Wheel within a Wheel;

Wheel; whether Jesuits, (for 'tis like them) or who, I cannot tell, nor how the Government is influenced, that the Protestants should not be able to obtain any thing for their Security. But we may guess and justly fear, that it will never be otherwise, as long as there is a Popish Successor. The truth is, we have a hard Task to serve our King and Country in such a Time as this is. We may expose ourselves to the Rage of a powerful Party; but, I am afraid, get little to secure ourselves against their Revenge. We are under the same inequality as fair Gamesters that meet with those that use false Dice; and are like to have the same ill luck at last, unless his Majesty should be pleased to consider, who stands up most for his Government, and who plays fairest; and accordingly, change his Councils. The first three Paragraphs of the Speech are about Alliances; the fourth, about Tangier; the fifth, about securing the Succession; the sixth, to know what we desire, and what we will do.

' Sir, I take no Delight in looking backward, but without doing it at this Time, I am afraid we shall not mend, as well as go forward. It is not to be doubted but that, as well for the Security of the Nation at home, as of Flanders against the Power of France, and the Protestant Religion abroad, we are under a Necessity to make Alliances; and that they cannot be made nor supported without Money. But did we not give above two Millions for the Preservation of the Triple-League? And were not the said two Millions by the Power of the French and Popish Party employed to break it? Did we not a little while since give about a Million and an half for an actual French War? And was there not presently a general Peace made? Do not all foreign Nations complain, that, notwithstanding all our Treaties, Pretences, and Declarations, we have been only true to France? And what Reason have we now to imagine, that if we should give Money for Leagues, that it would be employed otherwise than formerly? Is not the same Scheme of Government pursued still? Is not the French Ambassador, and the French Woman too, as great at Court as ever? And have not the Duke's Creatures the Management of all Affairs? And if the Duke's Interest, the French Interest, and the Popish Interest, be all one, can you imagine, that your Money shall be employed to make any Alliances, that shall be for the Advantage of the Protestant Religion? No, Sir, though his Majesty so intend it, yet the Wheel within a Wheel, which hath managed all other Alliances hitherto, will also manage these, and have the Disposal of our Money too, and pervert it to our Destruction. And, until Things settle here at home on a true Protestant Bottom, it cannot be imagined, that any foreign Prince will depend on us, or make Alliances with us. And therefore as well for that, as because our

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Money may not probably be disposed of for any good End, it is in vain to treat of either Alliances or Money. For, until the Interest be changed at Court, that so there may be a better Understanding between the King and his People, it cannot produce any Thing for our Advantage.

‘As to Tangier and the Succession, there hath been so much said already, when those Points were debated, that I will not trouble you with more at this Time.

‘But I beg leave to add something about the latter Part of the Speech, which doth a little comfort me, because I hope we may graft such an Answer thereupon, as may beget a right Understanding with his Majesty. I know this House is constituted of Persons different from that of the long Parliament, because of the many Pensioners that were in it; and that we need not now be afraid to talk of Money. I believe we all know, that without giving Money this Session, the Nation can never be happy, nor his Majesty’s Government so formidable as it ought to be. And therefore I would humbly move you to appoint a Committee, to draw up an Address to assure his Majesty, that when his Majesty shall be pleased to grant us such Laws, as are necessary for the Security of our Religion, which may be particulariz’d in the Address; that we will be ready to give him what Money his Occasions may require, not only for the Support of Tangier, and Alliances, but to enable him to have a good Fleet at Sea, for the encouraging of Seamen, and security of Trade, and preservation of his Dominions; that so we may shew we are ready to express our Duty, as well by our Acts as Words.’

Lord Ruffel.

‘Mr. Speaker, Sir, being it is so apparent that all our Fears of Popery arise from, and center in the Duke of York; and that is impossible the Affairs of this Nation should ever settle on a good Protestant Bottom, as long as there is a Popish Successor, which cannot be prevented but by the Succession Bill: that there may be no ill Construction made of our Desires, I would humbly move you to offer to supply the King with what Money he may need for the Support of Tangier and Alliances, upon his granting of the Succession Bill only, that so his Majesty may have no reason to be diffident of us; not doubting, but that if we can once lay a Foundation for a good Correspondence, that his Majesty will take so much Content in it, beyond what he doth now enjoy, that to preserve it he will afterwards grant us what more Bills may be farther necessary for the Security of the Protestant Religion. And therefore I am not for clogging this Address with any Request for any thing more, than that one Bill.

Sir William
Jones.

‘Mr. Speaker, Sir, we have hitherto had so little Success in our Endeavours, that we may justly suspect, we are permitted to sit here, rather to destroy ourselves than to save our Country,

Country. It is a Matter of Admiration to me, that those who have so often advised his Majesty, to put this, and the former Parliaments, upon finding out Expedients for securing the Protestant Religion, without altering the Succession, should all this while find out none themselves; but still continue advising the King to put that upon us, which, after many Debates is found to be impossible. And that the King should always have at his Elbow Persons ready to remember him constantly to make this Limitation, which, in all appearance, must tend to the final Destruction of the Protestant Religion: And that there should be no body there to mind him of proposing some Expedients to prevent it, only in general Words, of which no use can be made. According to the Opinion of three successive Parliaments, the Limitation in favour of the Popish Interest is plain, intelligible, and practicable. I hope his Majesty, against the next Occasion, will require them that have so advised him, to make the Expedients and other ways to secure the Protestant Religion, as plain and practicable, that so we may see if the Security of the Protestant Religion be designed in good earnest by such Advisers, which I cannot believe; because what they propose is, in my Opinion, a Contradiction in itself. Without the Exclusion-Bill, there can be no Expedient but what will leave us in that miserable Condition, of having, first or last, a Contest with our lawful King. And there can be no such thing as setting up a Power to oppose him, but by putting a kind of supreme Authority in the Parliament; with a Power to oppose, as well by making War as Laws, which might prove the Destruction of the monarchical Government. The said Trust or Power (without the Exclusion-Bill) being not to be reposed in the next Heir, or any single Person, lest he should die before he come to have the Power in him, or utterly refuse to act, if he should live to have a Right, by virtue of such a Settlement, to administer the Government. In such a Case, there would be no lawful Power lodged any where else, to oppose such a King, and there must not be an Interregnum. By this short Account you may see, what Difficulties all Expedients will be liable to; and may conclude, that those that advise the King to make this Limitation, do intend it as an Expedient to make the Endeavours of Parliaments ineffectual, and to bring in Popery. And if you had offered at such Expedients as I have mentioned, as the last House of Commons was arraigned for omnipotent and arbitrary, so would this with some worse Character; as having attempted to destroy the monarchical Government, that if possible the King and People might be put out of love with Parliaments. But, Sir, though it is plain, that things are thus out of order, yet let us not be wanting in our Duty, but give such

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an Answer to his Majesty, as may, if possible, create in him a good opinion of this House, and satisfy him of the Necessity of the Bill of Exclusion; and that all other Acts of Grace will but serve to fatten us for the Slaughter of our Enemies. The last Part of this Speech, I believe, is his Majesty's own; he seems willing to know what you expect from him, and what you will do for him; which I think is a fair Proposition to come to an Understanding. And although it be not good manners to offer to make a bargain with his Majesty; yet, as in Bargains there is a *quid pro quo*, so in this. And I think, we need not fear talking of Money in this House, being all seem resolved to give it freely, if we can be secured of our Religion, but no otherwise: And therefore I humbly conceive you may accordingly express yourselves plain in your Address.

W. G.

‘ Mr. Speaker, If you do not represent all your Grievances in this Address, as the Condition of your giving Money, whatever you shall offer at afterwards will be looked upon as clamorous, and out of order. And therefore I would advise you, not to omit any one Grievance you expect any Remedy in. And I am for enumerating all your Grievances, in the Address, which have been lately debated. And I do admire nobody takes notice of the standing Army; which if not reduced to such a Number as may be convenient for Guards, and so limited, that they may not be increased, unless in case of a Rebellion; or an Invasion, all your Laws may signify nothing. And I am not satisfied in the making such general Offers of Money. For if you do, you will hear in time, that the Fleet needs one Million; Alliances, as much more; and Tangier (tho’ I think not worth keeping) little less. A Demand of three Millions, grounded on your general Promise, would perplex the House how to come off with that Reputation, which a House of Commons ought to preserve with the King. I know not how such a Promise may be turned upon you; and therefore I am either for demanding more, or promising less.’

Sir E. Harvey.

‘ Mr. Speaker, Sir, I am very unwilling to have this Parliament broken; yet I cannot agree, that, to prevent it, we should offer so much, and demand so little, as has been mentioned. Have we not sat two Days in a Committee, to examine the dangerous Estate of the Kingdom, and ordered several good Bills to be brought in thereupon, for the securing us against Popery and Arbitrary Power? And shall we now the next day lay all those Bills aside, and be content with the Exclusion-Bill only, which I think will be worth nothing, unless you can get more. And therefore, though to obtain them, you spoke plain English, and mentioned what Sum you intend to give; I think you will be

safer

safer to offer Money in general Words, without declaring what, or enumerating your Bills. Amoy G. V. 1680.

Mr. Speaker, Sir, I cannot agree with this worthy Member; for it would take up some Days Debates, to agree what Sum is necessary to supply his Majesty's Occasions, and what Sum to express. And it may be to no purpose, as the Case stands with us, unless we are sure his Majesty would find out some way to bring the Exclusion-Bill about again, then indeed we might come to Particulars. In the mean time, a Promise in general Words may be sufficient, and save the House a great deal of time. And for my part, I am not for enumerating many Bills, but should be content to give Money upon having the Exclusion-Bill only; which being so precisely necessary for the Preservation of our Religion, all the World would justify us in the demanding it before we part with Money; and therefore I desire the Committee may draw up the Address accordingly.

Resolved, That a Committee be appointed to prepare an humble Address to his Majesty, upon the Debate of the House, in answer to his Majesty's Speech.

The 20th of December, 1680, Mr. Hampden reports the Address; which was read.

The humble Address of the House of Commons presented to his Majesty, in answer to his Majesty's gracious Speech to both Houses of Parliament, upon the 15th Day of the same December:

' May it please your most excellent Majesty, We your Majesty's most dutiful and loyal Subjects, the Commons in this present Parliament assembled, having taken into our serious Consideration your Majesty's gracious Speech to both Houses of Parliament, on the 15th of this Instant December; do, with all the grateful Sense of faithful Subjects and sincere Protestants, acknowledge your Majesty's great Goodness to us, in renewing the Assurances you have been pleased to give us, of your readiness to concur with us in any means for the Security of the Protestant Religion, and your gracious Invitation of us, to make our Desires known to your Majesty. The Commons Address.

' But with Grief of Heart we cannot but observe, that, to these princely Offers, your Majesty has been advised (by what secret Enemies to your Majesty, and your People, we know not) to annex a Reservation, which, if insisted on in the Instance to which alone it is applicable, will render all your Majesty's other gracious Inclinations of no Effect or Advantage to us. Your Majesty is pleased thus to limit your Promise of Concurrence, in the Remedies which shall be propos'd, that they may consist with preserving the Succession of the Crown in its due and legal Course of Descent.

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of your Majesty's Person, the Protestant Religion, and the Security of your Kingdoms.

These Requests we are constrained humbly to make to your Majesty as of absolute Necessity, for the safe and peaceable Enjoyment of our Religion.

Without these Things, the Alliances of England will not be valuable, nor the People encouraged to contribute to your Majesty's Service.

As some farther Means for the Preservation both of our Religion and Property, we are humble Suitors to your Majesty, that from henceforth such Persons only may be Judges within the Kingdom of England, and Dominion of Wales, as are Men of Ability, Integrity, and known Affection to the Protestant Religion: And that they may hold both their Offices and Salaries, *quoadmū se bene gesserint*. That (several Deputy-Lieutenants and Justices of the Peace fully qualified for those Employments, having been of late displaced, and others put in their room, who are Men of arbitrary Principles, and Countenancers of Papists and Popery) such only may bear the Office of a Lord-Lieutenant, as are Persons of Integrity and known Affection to the Protestant Religion. That Deputy-Lieutenants, and Justices of the Peace, may be also so qualified, and may be moreover Men of Ability, of Estates and Interests in their Country.

That none be employed as military Officers, or Officers in your Majesty's Fleet, but Men of known Experience, Courage, and Affection to the Protestant Religion.

These our humble Requests being obtained, we shall, on our Part, be ready to assist your Majesty for the Preservation of Tangier; and for putting your Majesty's Fleet into such a Condition, as it may preserve your Majesty's Sovereignty of the Seas, and be for the Defence of the Nation.

If your Majesty hath, or shall make any necessary Alliances for defence of the Protestant Religion, and Interest and Security of this Kingdom, this House will be ready to assist and stand by your Majesty in the support of the same.

After this our humble Answer to your Majesty's gracious Speech, we hope no evil Instruments whatsoever, shall be able to lessen your Majesty's Esteem of that Fidelity and Affection we bear to your Majesty's Service: but that your Majesty will always retain, in your Royal Breast, that favourable Opinion of us your loyal Commons, that those other good Bills which we have now under Consideration, conducing to the great Ends we have before mentioned, as also all Laws for the Benefit and Comfort of your People, which

which shall from time to time be tendered for your Majesty's royal Assent, shall find acceptance with your Majesty.

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A Debate on
the Speech.

Edward
Vaughan,

Mr. Speaker, Sir, I have hearkned with all the Attention I could to this Address, and do agree with the first Part of it. The Dangers and Inconveniencies arising from a Popish Successor are very obvious; and that there will be no Peace nor Tranquillity in this Nation for the present, as long as there is a Popish Successor; and that our Religion will be lost, if there should be a Popish King, I am afraid, is too true: But yet I must crave leave to dissent from the true Opinion of those worthy Members that have drawn it, as to the other Parts thereof. I think it is not convenient, at this time, to press so hard for the Exclusion-Bill, because we know we cannot have it without a Prorogation; which, for my part, I fear at this time, as much as I do a Popish Successor; for I do believe, if it should happen, that you will sooner see the Duke at Whitehall, than this Assembly met together again, between these Walls: And therefore, I am not willing to give the Popish Party such an Advantage to procure our Dissolution, lest they should lay hold of it, as I believe they would; by which the Protestant Interest, both abroad and at home, would be ruined. And as I cannot agree in this, so neither in pressing the Association-Bill; for, being it hath not yet been brought into the House, we do not well know what will be the Purport of it. And it is not proper, that we should ask of the King we know not what; nor expect that he should grant us what he can know nothing of. And truly, Sir, I think that these things about the Judges, Deputy-Lieutenants, and Justices of the Peace, are too minute things to be insisted on at this time, compared with others which might be demanded. Queen Elizabeth's Counsellors never thought her safe, until the Popish Successor was inclosed in a Tower; and I am afraid that you will never be safe, until you take some such Course that may bring things to an Issue. When you have done that, and banished all the considerable Papists out of England, I think we shall not be in so apparent Danger, as we now are. And seeing this may probably be granted, and the other Bills not, I humbly move you to recommit the Address, that it may be better considered. I know not how this may agree with the Sense of the House; but I shall always crave Leave to speak in this Place according to my Conscience, that so I may have Peace within me; but readily submit to better Judgments.

Mr. Speaker, Sir, I am very glad that worthy Member Sir William agrees in the Apprehensions of the Dangers arising from Jones. a Popish Successor, and in the Necessity of the Bill of Exclusion; and am very sorry I cannot agree with him in the

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rest of his Discourse. I cannot imagine, without a high Reflection upon his Majesty, that if he should be persuaded to prorogue the House for two or three Days, in order to pass the Exclusion-Bill, that he should, instead of permitting us to meet again, dissolve the Parliament; which is quite contrary to it. I fear a Prorogation, without being intended for this; but if once we could prevail with his Majesty to do it for this end, I should not doubt the desired Effect. And in pressing the Association-Bill, we shall not press the King to grant us we know not what: The Word Association may very well be understood, and the Ends of it are declared to be for the Security of his Majesty's Person, and the Protestant Religion. And if, when drawn, it should be directed to other Ends, I suppose this House will take care to mend it; if not, the King's Promise can bind no farther than to pass a Bill for those Ends. But I do much admire to hear, that the having of good Judges, Justices, and Commanders at Sea and Land, is a trivial thing; for I think that all other things you desire without it, would signify nothing. As long as the Laws and Militia of the Nation are in the Hands of Persons not well affected to the Protestant Interest, I am afraid we shall have no Security against Popery. As to the new Way that hath been proposed, of bringing Matters relating to the Popish Successor to such an Issue, as that he may be secured, as in Queen Elizabeth's time. If he had been sensible, that there are none in Office but what are for his Interest, he would first have agreed to have endeavoured to have got such changed, before he would have proposed that Way. And it would be necessary that we should also have such Privy-Counsellors as Queen Elizabeth had, and not eleven or seven for the Popish Successor. And therefore seeing these Proposals have no more Appearance of being for your Service, I see no reason you have to be diverted from the Way you were going: And therefore I humbly move to agree with your Committee.

The Speech
agreed to.
Debates on a Bill
for uniting his
Majesty's Pro-
testant Subjects.

The House agreed.

The 21st of December, 1680. A Bill was read for uniting his Majesty's Protestant Subjects.

Mr. Speaker, Sir, It is not to be doubted but that the Happiness of this Nation, and Safety of our Religion, doth depend very much upon preserving the well-constituted Government of the Church; and that the Government in the State will not long stand, if that be pulled down, to which, I am afraid, this Bill will contribute very much. Sir, it is well known, how, notwithstanding all the Endeavours of his Majesty, as well in Parliament as otherwise, all the Acts that are in force against Dissenters, all the Endeavours of
the

he Fathers of the Church, there are a Sort of Men, and great numbers too, who will neither be advised nor over-ruled; but, under the Pretence of Conscience, break violently through all Laws whatsoever, to the great Disturbance both of Church and State. And if you should give them more Liberty, you will encourage them to go on with more Boldness; and therefore I think it will be more convenient to have a Law for forcing the Dissenters to yield to the Church, and not to force the Church to yield to them; and I think we are going quite the wrong way to do the Nation good. And therefore I am against this Bill.

‘ Mr. Speaker, Sir, I would not open my Mouth in favour of this Bill, if I thought it would any ways prejudice the Church, or Church-Government; but I believe it may have a quite contrary Effect, and tend more for the Preservation and Safety of the Church and Church-Government, than any Bill whatsoever that could be contrived. We have a Church-Government settled by Law, to which the major Part of the People, like good Christians and loyal Subjects, give obedience; but it is our Misfortune that there are in the Nation a great many, who will not submit to this Government, who may be divided under three Heads: 1. The Papists, who differ from us in Points of Faith, and will not give any obedience but to the Church of Rome: 2. Independants, Presbyterians, and some others, who agree in Points of Faith, and differ only in Points of Doctrine and Ceremonies: 3. Quakers, who disagree not only in Points of Doctrine and Ceremonies, but in Points of Faith, and are a head-strong sort of unreasonable People, that will not submit to any Laws made about Religion, but do give obedience to the civil Magistrates upon all other Occasions. The Church of England-men are not only the greatest Number, but have the Government of their side. What Laws to make, that may tend most to the preserving of it, is your Business. It is in danger from the Papists on the one hand, and the rest of the Protestant Dissenters on the other, who in some measure agree in their Enmity and Disrespect to the Church, and therefore the more Care ought to be taken for its Preservation.

‘ Having thus, Sir, discovered the Danger of the Church in general, it will be necessary, in order to find out a Remedy, to discourse a little of the Strength and Interest of each Party in particular.

‘ Sir, the Papists are not the greatest number, but yet, in my Opinion, upon several Considerations, are most to be feared, because of their desperate Principles, which make them bold and indefatigable, and the Assistance they may have from Rome, France, and Ireland; but above all, from the great Share they have in the Management of the

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whatsoever: For, if it should be put in practice, the Effect would be this; it would be the Occasion of throwing off the farther Prosecution of the Plot and Popery, and in a little time occasion, not only more Heats and Animositities, but such a revengeful implacable Spirit amongst us, as would prove irreconcilable, and give opportunity for the Popish Interest to join with either Party, or at least ways abet and assist them under hand, so as that they shall easily be provoked to destroy one the other. But if this should not happen, what real Love, Friendship, or Obedience, can the Church expect from such Persons, as by the Execution of such Laws may be forced to come to Church? How can they be depended on, or the Church be strengthened by them? You may prevent their Conventicles, and force them either to come to Church, or pay Fines, or be imprisoned; but you cannot expect that their Opinions or Affections should be altered by such Proceedings, without which the Church can never be the stronger. It must be a Work of Time to reconcile the Divisions that are amongst us, and may be a great and necessary Employment for many Parliaments hereafter, when the common Enemy doth not give such a just Occasion of Distraction, and for employing all your Thoughts and Care about him; when they may have more Leisure, because their Dangers may not be so imminent. But to go about it at this Time by any such Laws, is the ready way to weaken the Protestant Interest, and bring Ruin upon us. But suppose we should follow this Advice, and make new Laws, and require a severe Execution of the old, how can you imagine that, as long as the Popish Interest is so prevalent, the Execution of such Laws should be continued longer than may be subservient to the Interest of that Party? Have we not had a sad Experience of this? Hath the Oxford-act, or that of the 35 of Queen Elizabeth, or any other against the Dissenters, been executed in favour of the Church? Are not the Dissenters as many, if not more, now than ever? And is not Experience in all Affairs the best Master? And is there any thing more visible, than that these Laws have been made use of to serve the Popish Interest, or as Engines rather for the Affairs of the State than Church? When in the Year 1670, by the severe Execution of these Laws, all Meetings in Conventicles were prevented, and many Dissenters came to Church, did not the Toleration happen thereupon? And was not the Execution of the Laws put afoot, as may be presumed, by that great Papist Clifford, who had then the greatest Share (under his Majesty) in the Administration of the Government? If the Execution of the Laws against Dissenters had been for the Advantage of the Church, why was there then granted a Toleration? And if the Toleration had been intended for the
Advantage

Advantage of the Protestant Religion, why were not the Churchmen, nor Dissenters of any kind pleased with it? And if the Oxford-Act, and other Laws against Dissenters, were projected in favour of the Protestant Religion, it was strange that they were so much promoted (as any Members now here, who did serve in those Parliaments do remember) by Sir Thomas Clifford, Sir Solomon Swale, and Sir Roger Strickland, who have since all appeared to be Papists. Sir, we have been strangely led by the Popish Interest for many Years already; I pray, Sir, let us not now at last do like Narcissus, to be so much in love with a Shadow, as to fall into a Gulph, and drown ourselves, Sir, I am afraid the Name of Church hath been strangely made use of to bring in Popery. I hope we shall endeavour to preserve, not only the Name, but the Substance, I mean the Protestant Religion, otherwise we may come off no better than the Dog in Æsop's Fables with his Shoulder of Mutton. I hope that what I have said will not represent me as an Enemy to the Church, or Church-government; I am sure, I am not conscious to myself, that I ever entertained a Thought against the Preservation of either. All what I have said doth proceed from an Apprehension that our Churchmen of late have been out of the right Way to preserve either our Religion or our Church; because the Courses which they take must (though I am far from suspecting they design it) give a great Assistance to Popery. I remember that, after the Plot broke out, there was for a little while a kind of Reconciliation amongst Protestants, and an united Opposition made to the Common Enemy; and how then the Popish Interest gave way, we may all remember; but this was too much in favour of the Protestant Religion to hold long. Within a few Months the Fire broke out again, and the Pulpits and the Press, instead of being employ'd against the Common Enemy, were reduced to their old Way, of carrying on the Divisions amongst Protestants: And how the Popish Interest have since gone on triumphant again, all here, I suppose, may know. Sir, the Church hath two strong Enemies, the Papists and Fanatics. We are already engaged in a sharp Contest with the Papists, and find they are strong enough for us; why must we now also enter into a fresh Engagement with the Fanatics, especially when we may be sure thereby to strengthen our Enemies, and weaken ourselves? Such Advice cannot proceed from such as are Friends to the Protestant Church: If we should make new Laws against Dissenters, as hath been moved, and enforce the Execution of the old ones, as long as we have a Popish Successor, can any Man imagine, that the Execution of them will be longer kept a-foot, than

will

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will consist with the Popish Interest? Sir, our Church and Religion will be lost, if Union be not improved amongst Protestants, and I think no Bill can promote it like this, And therefore I am for the passing of this Bill.

Resolved, That the said Bill be committed upon the Debate of the House.

Queries relating
to the Execution
of Lord Staf-
ford.

December 23, 1680. * Some Queries relating to the execution of William late Viscount Stafford, offered to the House by the Sheriffs of London and Middlesex.

1. Whether the King, being neither Judge nor Party, can order the Execution?
2. Whether the Lords can award the Execution?
3. Whether the King can dispense with any part of the Execution?
4. If the King can dispense with some part of the Execution, why not with all?

Mr. Speaker, Sir, Death is the end of the Law in criminal Matters; the other Particulars of the Sentence are but Ceremonies, used *ad terrorem*. I never read of any Peer that was quartered, though many have been condemned for Treason, and some in Parliament. The Lady Jane Gray, and many other Women, have been condemned for Treason, and in that Case are always condemned to be burnt; but however, are usually, if Persons of Honour, beheaded. Wherefore it is probable, that the Royal Power hath always dispensed with such Sentences formerly; and if so, this House lieth not under any Obligation to offer at any Opposition, nor concern themselves herein, especially at this Time, when such a Dispute may end in preventing the Execution of the said Lord Stafford. And therefore I humbly conceive you may do well to give your Consent, that the said Writ be executed according to its Tenour.

Resolved, That this House is content that the Sheriffs of London and Middlesex do execute William late Viscount Stafford, by severing his Head from his Body only.

The same Day Sir Richard Corbet reported, from the Committee appointed to examine the Proceedings of the Judges, as follows.

Sir Richard
Corbet's Re-
port relating to
the Proceedings
of the Judges.

The Committee being inform'd that, in Michaelmas-Term last, the Court of King's-Bench discharg'd the Grand Jury that served for the Hundred of Oswaldston, in the County of Middlesex, in a very unusual manner, proceeded to enquire into the same, and found by the Information of Charles Umfreville Esq; Foreman of the said Jury, Edward Proly, Henry Gerrard, and John Smith, Gentlemen, also of the said Jury, That on the 21st of June last, the Constables attending the said Jury were found defective, in not presenting

* This Affair was brought into the House by Mr. Treby, but who made the Speech upon it is uncertain.

presenting the Papists as they ought, and, thereupon, were ordered by the said Jury, to make farther Presentments of them, on the 26th following: On which Day the Jury met for that Purpose, when several Peers of this Realm and other Persons of Honour and Quality, brought them a Bill against James Duke of York for not coming to Church: But some Exceptions being taken to that Bill, in that it did not set forth the said Duke to be a Papist, some of the Jury attended the said Persons of Quality, to receive Satisfaction therein. In the mean time, and about an Hour after they had received the said Bill, some of the Jury attended the Court of King's-Bench with a Petition, which they desired the Court to present in their Names unto His Majesty, for the sitting of this Parliament. Upon which the Lord Chief-Justice Scroggs raised many Scruples, and on Pretence that they were not all in Court (though twenty of the Jury had subscribed the Petition) sent for them, saying he would dispatch them presently. The Jury being come, and their Names called over, they renewed their Desire that the Court would present their Petition; but the Chief-Justice asked, if they had any Bills? They answered, they had, but the Clerks were drawing them into Form. Upon which, the Chief-Justice said, they would not make two Works of one Business. And the Petition being read, he said this was no Article of their Charge, nor was there any Act of Parliament, that required the Court to deliver the Grand-Juries Petitions: That there was a Proclamation about them; and that it was not reasonable the Court should be obliged to run on their Errands; and he thought it much, that they should come with a Petition to alter the King's Mind, declared in the News-Book. The Jury said, they did it not to impose on the Court, but (as other Juries had done) with all Submission they desired it; but the Court refused, bidding the Cryer return them their Petition. And Mr. Justice Jones told them, they had meddled with Matters of State, not given them in Charge, but presented no Bills of the Matters given in Charge. They answered as before, that they had many before them, that would be ready in due Time. Notwithstanding which, the said Justice Jones told them, they were discharged from farther Service. But Philip Ward (the Clerk that attended the said Jury) cried out, No, No, they have many Bills before them; for which the Court understanding (as it seems to this Committee) a secret Reason, which the Clerk did not, reproved him, asking if he or they were to give the Rule there? The Cryer then told the Court, they would not receive their Petition; the Chief Justice bid him let it alone, so it was left there, and the Jury returned to the Court-House, and there found several Con-

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stables with Presentments of Papists and other Offenders, as the Jury had directed them on the 21st before; but could not now receive the said Presentments, being discharged. Whereby much Business was obstructed, though none of the said Informants ever knew the said Jury discharged, before the last Day of the Term, which was not till four Days after. And it farther appeared to the Committee, by the Evidences of Samuel Aftry, Jasper Waterhouse, and Philip Ward, Clerks, that have long served in the said Court, that they were much surprized at the said Discharging of the Jury, in that it was never done in their Memory before; and the rather, because the said Waterhouse as Secondary, constantly enters on that Grand Jury's Paper, that the last Day of the Term is given them to return their Verdict on, as the last Day but one is given to the other two Grand Juries of that County, which Entry is as followeth.

Trinit. 32 Car. II.

Middlesex } *Juratores habent diem ad veredictum suum red-*
Ossulston } *dendum usque diem Martis proxime post tres*
Hundred. } *septimanas sanctæ Trinitatis.* Being the last Day

of the Term, and so in all the other Terms the last Day is given; which makes it appear to this Committee, that they were not in Truth discharged for not having their Presentments ready, since the Court had given them a longer Day, but only to obstruct their farther Proceedings; and it appeared by the Evidence aforesaid to this Committee, that the four Judges of that Court were present at the Discharging of the said Jury, and it did not appear that any of them did dissent therein; upon consideration whereof, the Committee came to this Resolution:

Resolved, That it is the Opinion of this Committee, that the Discharging of the Grand Jury of the Hundred of Ossulston, in the County of Middlesex, by the Court of King's-Bench, in Trinity-Term last, before the last Day of Term, and before they had finished their Presentments, was illegal, arbitrary, and a high Misdemeanour.

This Committee proceeded also to enquire into a Rule of the Court of King's-Bench, lately made against the publishing a Book called, *The Weekly Packet of Advice from Rome; or, The History of Popery:* And Samuel Aftry, Gent. examined thereupon, informed this Committee, that the Author of the said Book, Henry Carr, had been informed against for the same, and had pleaded to the Information; but before it was tried, a Rule was made on a Motion, as he supposeth against the said Book: All the Judges of that Court, (as he remembers) being present and none dissenting. The Copy of which Rule he gave into this Committee, and is as followeth:

Dia

Dies Mercurii proxime post tres septimanas sanctæ Trinitatis, Anno 32 Car. II.
Anno 32 Car. II. Regis, 1680.

Ordinatum est quod liber intitulus 'The Weekly Packet of Advice from Rome; or, The History of Popery, non ulterius imprimatur vel publicetur per aliquam personam quamcumque, per Cur.

And this Committee, admiring that Protestant Judges should take Offence against a Book whose chief Design was to expose the Cheats and Foppery of Popery, enquired farther into it, and found by the Evidence of John Curris, that the said Book had been licensed for several Months, that her Husband paid for the Copy, and entered it in the Hall-Book of the Company. But for all this, she could not prevail, by those Reasons, with the Lord Chief Justice Scroggs, to permit it any longer; who said, 'twas a scandalous Libel, and against the King's Proclamation, and he would ruin her if ever she printed it any more. And soon after she was served with the said Rule, as the Author, and other Printers were; and, by the Author's Evidence it appears that he was taken, and brought before the said Chief Justice by his Warrant, above a Year since; and upon his owning he wrote part of that Book, the Chief Justice called him Rogue and other ill Names; saying he would fill all the Goals in England with such Rogues, and pile them up as Men do Faggots: and so committed him to Prison, refusing sufficient Bail, and saying he would Goal him, to put him to Charges; and his Lordship observed his Word punctually therein, forcing him to his Habeas Corpus, and then taking the same Bail he refused before. Upon which this Committee came to this Resolution,

Resolved, That it is the Opinion of the Committee, that the Rule made by the Court of King's-Bench, in Trinity-Term last against printing a Book called, *The Weekly Packet of Advice from Rome,* is illegal and arbitrary.

And the Committee proceeded farther, and, upon Information, that a very great Latitude had been taken of late by the Judges, in imposing Fines on the Persons found guilty before them, caused a Transcript of all the Fines imposed by the King's-Bench since Easter-Term, in the 28th of his Majesty's Reign, to be brought before them, from the said Court by Samuel Altry Gent. By perusal of which it appeared to this Committee, that the Quality of the Offence, and the Ability of the Person found guilty, have not been the Measures that have determined the Quantity of many of these Fines; which being so very numerous, the Committee refer themselves to those Records as to the general, instancing some Particulars, as follow.

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Trinit. 29
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Upon Joseph Brown of London, Gent. on an Information for publishing a printed Book, called, The long Parliament dissolved; in which is set forth these Words:

! Nor let any Man think it strange, that we account it Treason for you to sit and act contrary to our Laws; for in the first Parliament of Richard II. Grimes and Weston, for lack of Courage only, were adjudged guilty of High-Treason for surrendering the Places committed to their Trust; how much more you, if you turn Renegadoes to the People that entrusted you; and as much as in you lie, surrender not a little pitiful Castle or two, but all the legal Defence the People of England have for their Lives, Liberties and Properties, at once! Neither let the vain Persuasion delude you, that no Precedent can be found, that one English Parliament hath hanged up another; though peradventure even that may be proved a Mistake: For an unprecedented Crime calls for an unprecedented Punishment; and if you shall be so wicked to do the one, or rather endeavour to do (for now you are no longer a Parliament) what ground of Confidence you can have, that none will be found worthy as to do the other, we cannot understand: And do faithfully promise, if your Unworthiness provoke us to it, that we will use our honest and utmost Endeavours, (whenever a new Parliament shall be called) to chuse such as may convince you of your Mistake: The old and infallible Observation, that Parliaments are the Pulse of the People, shall lose its Esteem; or you will find, that this your Presumption was over-fond; however, it argues but a bad Mind, to sin, because 'tis believed it shall not be punished.'

The Judgment was, that he be fined 1000 Marks, be bound to good Behaviour for seven Years, and his Name struck out of the Roll of the Attornys, without any Offence alledged in his said Vocation. And the publishing this Libel consisted only in subscribing a Pacquet, with this inclosed, to the East-Indies. Which Fine he not being able to pay, (living only upon his Practice) he lay in Prison for three Years, 'till his Majesty graciously pardoned him, and recommended him to be restored to his Place again of Attorney, by his Warrant dated the 15th of December, 1679. Notwithstanding which, he has not yet obtained the said Restoration from the Court of King's-Bench.

Upon John Harrington, of London, Gent. for speaking these Words, laid in Latin thus: *Quod nostra gubernatio a tribus statibus consistebat, & si rebellio eveniret in regno, & non accideret contra omnes tres status, non est rebellio.* A Fine of 1000 l. Sureties for good Behaviour for seven Years, and

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to recant the Words in the open Court; which Fine he was in no Capacity of ever paying.

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Upon Benjamin Harris, of London, Stationer, on an Information for printing a Book called, *An Appeal from the Country to the City*; setting forth these Words:

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32 Car. II.

‘ We in the Country have done our Parts, in chusing for the generality good Members to serve in Parliament: But if (as our last two Parliaments were) they must be dissolv’d or prorogued whenever they come to redress the Grievances of the Subject, we may be pitied, not blamed, if the Plot takes effect: And in all Probability it will. Our Parliaments are not then to be condemned, for that their not being suffered to sit occasioned it.’

Judgment to pay 500 *l.* Fine, to stand on the Pillory an Hour, and give Sureties for good Behaviour for three Years. And the said Benjamin Harris informed this Committee, that the Lord Chief Justice Scroggs pressed the Court then to add to this Judgment, his being publicly whipt; but Mr. Justice Pemberton, holding up his Hands in admiration at their Severity therein, Mr. Justice Jones pronounced the Judgment aforesaid: And he remains yet in Prison, unable to pay the said Fine.

Notwithstanding which Severity in the Cases forementioned, this Committee has observed the said Court has not wanted, in any other Cases, an extraordinary Compassion and Mercy, though there appeared no public Reason judicially in the Trial; as in particular:

Upon Thomas Knox principal, on an Indictment of Subornation and Conspiracy, against the Testimony and Life of Dr. Oates, for Sodomy; and also against the Testimony of William Bedloe; a Fine of 200 Marks, a Year’s Imprisonment, and to find Sureties for good Behaviour for three Years.

Hill. 31 and
32 Car. II.

Upon John Lane, for the same Offence, a Fine of 100 Marks, to stand in the Pillory for an Hour, and to be imprisoned for one Year.

Eod. Ter.

Upon John Tasborough, Gent. on an Indictment for Subornation of Stephen Dugdale, tending to overthrow the whole Discovery of the Popish Plot; the said Tasborough being affirmed to be a Person of good Quality, a Fine of 100 *l.* Upon Anne Price for the same Offence, 200 *l.*

Eod. Ter.

Upon Nathaniel Thompson and William Badcock, on an Information for printing and publishing a weekly Libel, called, *The true Domestic Intelligence*, or, *News both from City and Country*, and known to be popishly affected, a Fine of 3 *l.* 6 *s.* 8 *d.* on each of them.

Trin. 3
Car. II.

Upon Matthew Turner, Stationer, on an Information for vending and publishing a Book called the *Compendium*; wherein

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wherein the Justice of the Nation in the late Trials of the Popish Conspirators, even by some of these Judges themselves, is highly arraigned; and all the Witnesses for the King horribly aspersed: And this being the common notorious Popish Bookseller of the Town, Judgment to pay a Fine of 100 Marks; and is said to be out of Prison already.

Upon _____ Loveland, on an Indictment for a notorious Conspiracy and Subornation, against the Life and Honour of the Duke of Buckingham, for Sodomy, a Fine of 5*l.* and to stand an Hour in the Pillory.

Upon Edward Christian Esq; for the same Offence, a Fine of 100 Marks, and to stand an Hour in the Pillory: And upon Arthur O'Brien, for the same Offence, a Fine of 20 Marks, and to stand an Hour in the Pillory.

Upon consideration whereof, this Committee came to this Resolution:

Resolved, That it is the Opinion of this Committee, that the Court of King's-Bench, (in the Imposition of Fines on Offenders of late Years) have acted arbitrarily, illegally and partially, favouring Papists, and Persons popishly affected, and excessively oppressing his Majesty's Protestant Subjects.

And this Committee being informed, that several of his Majesty's Subjects had been committed for Crimes bailable by Law, although they then tendered sufficient Sureties, which were refused, only to put them to Vexation and Charge; proceeded to enquire into the same, and found, that not only the forementioned Henry Carr had been so refused the common Right of a Subject, as is above said, but that George Broome, being a Constable last Year in London, and committing some of the Lord Chief Justice Scroggs's Servants, for great Disorders, according to his Duty, he was in a few Days arrested by a Tipstaff, without any London Constable, and carried before the said Chief Justice, by his Warrant to answer for the committing of the Persons above said: but being there, was accused of having spoken irreverently of the said Chief Justice, and an Affidavit read to him to that Purpose; and was falsely (as the said George Broome affirms) sworn against, by two Persons that use to be common Bail in that Court, and of very ill Reputation: Upon which he was committed to the King's-Bench, though he then tendered two able Citizens and Common-Council-men of London to be his Bail: And he was forced to bring his Habeas Corpus, to his great Charge, before he came out, when the Marshal, Mr. Cooling, exacted 5*l.* of him, of which he complained to the Chief Justice, but had no other Answer, than he might take his Remedy at Law. But the said Marshal fearing he should be questioned, restored him two Guineas of it.

And

' And farther, this Committee was informed by Francis Smith, Bookfeller, That about Michaelmas was twelve-month he was brought before the said Chief-Justice, by his Warrant, and charg'd by the Messenger Robert Stephens, that he had seen some Parcels of a Pamphlet called, *Observations on Sir George Wakemans Trial* in his Shop: Upon which the Chief-Justice told him, he would make him an Example, use him like a Boor in France, and pile him and all the Book-sellers and Printers up in Prison, like Faggots; and so committed him to the King's-Bench, swearing and cursing at him in great Fury. And when he tendered three sufficient Citizens of London for his Bail, alledging, Imprisonment in his Circumstances would be his utter Ruin, the Chief-Justice replied, the Citizens looked like sufficient Persons, but he would take no Bail: And so he was forced to come out by a *Habeas Corpus*, and was afterwards informed against for the said Matter, to his great Charge and Vexation. And a while after Francis, (the Son of the said Francis Smith) was committed by the said Chief-Justice, and Bail refused, for selling a Pamphlet called, *A New-Year's Gift for the said Chief-Justice, to a Coffee-House*; and he declared to them he would take no Bail, for he would ruin them all.

' And farther it appeared to this Committee, that the said Chief-Justice, (about October was twelve Month) committed in the like manner Jane Curtis, she having a Husband and Children, for selling a Book called, *A Satyr against Injustice*; which his Lordship called a Libel against him: And her Friends tendering sufficient Bail, and desiring him to have mercy upon her Poverty and Condition, he swore by the Name of God she should go to Prison; and he would shew no more mercy than they could expect from a Wolf that came to devour them; and she might bring her *Habeas Corpus* and come out so; which she was forced to do, and was informed against, and prosecuted to her utter Ruin, four or five Terms after.

' In like manner it appeared to this Committee, that about that Time also, Edward Berry, Stationer of Gray's-Inn, was committed by the said Chief-Justice, being accused of selling, *The Observations on Sir George Wakemans Trial*; and though he tendered 1000*l.* Bail, yet the Chief-Justice said, he would take no Bail, he should go to Prison, and come out according to Law. And after he with much Trouble and Charge got out by a *Habeas Corpus*, he was forced by himself, or his Attorney, to attend five Terms before he could be discharged, though no Information was exhibited against him in all that Time. In consideration whereof, and of others of the like Nature (too tedious here to relate) this Committee came to this Resolution:

Resolved,

Apno 22 Car. 11.
1680.

(38)

Resolved, That it is the Opinion of this Committee, that the refusing sufficient Bail in these Cases, wherein the Persons committed were bailable by Law, was illegal, and a high Breach of the Liberty of the Subject.

And this Committee being informed of an extraordinary kind of a Charge, given at the last Assizes at Kingston, in the County of Surry, by Mr. Baron Weston, and proceeding to examine several Persons then and there present; it was made appear to this Committee, by the Testimony of John Cole, Richard Mayo, and John Pierce, Gentlemen, and others; some of whom put down the said Baron's Words in Writing immediately; That Part of the said Charge was to this Effect: He inveighed very much against Farel, Luther, Calvin, and Zuinglius, condemning them as Authors of the Reformation, which was against their Princes Minds: And then adding to this purpose, ' Zuinglius set up his Fanaticism, and Calvin built on that blessed Foundation; and to speak truth, all his Disciples are seasoned with such a sharpness of Spirit, that it much concerns Magistrates to keep a strait Hand over them; and now they are restless, amusing us with Fears, and nothing will serve them but a Parliament. For my part, I know no Representative of the Nation but the King, all Power centers in him; 'tis true, he does entrust it with his Ministers, but he is the sole Representative; and I faith, he has Wisdom enough to entrust it no more in these Men, who have given us such late Examples of their Wisdom and Faithfulness. And this Committee taking the said Matter into their Consideration, came to this Resolution;

Resolved, That it is the Opinion of this Committee, that the said Expressions in the Charge given by the said Baron Weston, were a Scandal to the Reformation, in derogation of the Rights and Privileges of Parliaments, and tending to raise discord between his Majesty and his Subjects.

And this Committee being informed by several Printers and Booksellers, of great Trouble and Vexation given them unjustly, by one Robert Stephens, called a Messenger of the Press: The said Stephens being examined by this Committee, by what Authority he had proceeded in that manner, produced two Warrants under the Hand and Seal of the Chief-Justice Scroggs, which were *in hac verba*:

Angl. ff. **W**Hereas there are divers ill-disposed Persons, who do daily print and publish many seditious and treasonable Books and Pamphlets, endeavouring thereby to dispose the Minds of his Majesty's Subjects to Sedition and Rebellion: And also infamous Libels, reflecting upon particular Persons, to the great Scandal of his Majesty's Govern-

Government. For suppressing whereof, his Majesty hath lately issued out his royal Proclamation: And for the more speedy suppressing the said seditious Books, Labels and Pamphlets, and to the end that the Authors and Publishers thereof may be brought to their Punishment;

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1680.

' These are to will and require you, and in his Majesty's Name to charge, and command you, and every of you, upon sight hereof, to be aiding and assisting to Robert Stephens, Messenger of the Press, in the Seizing on all such Books and Pamphlets as aforesaid, as he shall be informed of, in any Bookfellers or Printers Shops or Warehouses, or elsewhere whatsoever, to the end they may be disposed as to Law shall appertain. Also if you shall be informed of the Authors, Printers or Publishers of such Books or Pamphlets, as are above-mentioned, you are to apprehend them, and have them before one of his Majesty's Justices of the Peace, to be proceeded against according to Law. Dated this 29th of November, 1679.

To Robert Stephens, Messenger of the Press; and to all Mayors, Sheriffs, Bailiffs, Constables, and all other Officers and Ministers whom these may concern.

W. SCROOGS.

Engl. ff. ' WHEREAS the King's Majesty hath lately issued out his Proclamation, for suppressing the printing and publishing unlicensed News, Books and Pamphlets of News; notwithstanding which, there are divers Persons who do daily print and publish such unlicensed Books and Pamphlets:

' These are therefore to will and require you, and in his Majesty's Name to charge and command you, and every of you, from time to time, and at all times so often as you shall be thereunto required, to be aiding and assisting to Robert Stephens, Messenger of the Press, in the seizing of all such Books and Pamphlets as aforesaid, as he shall be informed of, in any Bookfeller's-Shop, or Printer's Shop or Warehouse, or elsewhere whatsoever, to the end they may be disposed of, as to Law shall appertain. Likewise if you shall be informed of the Authors, Printers or Publishers of such Books and Pamphlets, you are to apprehend them, and have them before me, or one of his Majesty's Justices of the Peace, to be proceeded against as to Law shall appertain. Dated this 28th day of May, *Anno Dom.* 1680.

To all Mayors, Sheriffs, Bailiffs, Constables and all other Officers and Ministers whom these may concern.

W. SCROOGS.

To Robert Stephens, Messenger of the Press.

TOME II.

I

Upon

Anno 32 Car. II.
1680.

favouring Papists, and Persons Popishly affected, and excessively oppressing his Majesty's Protestant Subjects.

4. ' That it is the Opinion of this House, that the refusing sufficient Bail in these Cases, wherein the Persons committed were bailable by Law, was illegal, and a high Breach of the Liberties of the Subject.

5. ' That it is the Opinion of this House, that the said Expressions in the Charge given by the said Baron Weston, were a Scandal to the Reformation, and tending to raise Discord between his Majesty and his Subjects, and to the Subversion of the ancient Constitution of Parliaments, and of the Government of this Kingdom.

6. ' That it is the Opinion of this House, that the said Warrants are arbitrary and illegal.'

The Resolutions of the Commons for the Impeachment of the said Judges:

Resolved, That Sir William Scroggs Knight, Chief Justice of the Court of King's-Bench, be impeached upon the said Report, and the Resolutions of the House thereupon.

Resolved, That Sir Thomas Jones, one of the Justices of the said Court of King's-Bench, be impeached upon the said Report, and Resolutions of the House thereupon.

Resolved, That Sir Richard Weston, one of the Barons of the Court of Exchequer, be impeached upon the said Report, and Resolutions of the House thereupon.

Ordered, That the Committee appointed to prepare an Impeachment against Sir Francis North, Chief Justice of the Court of Common-Pleas, do prepare Impeachments against the said Sir William Scroggs, Sir Thomas Jones, and Sir Richard Weston, upon the said Report and Resolutions.

Ordered, That the said Report, and the several Resolutions of this House thereupon, be printed; and that Mr. Speaker take care in the printing thereof, apart from this Day's other Votes.

* December 30, 1680. A Motion being made in the Behalf of Judge Raymond, that one Sherredan, in the Custody of the Serjeant at Arms, by Order of the House, had moved for his *Habeas Corpus*; which he had denied, because he was committed by Order of the House, desiring the Opinion of the House:

Sir William Jones, on a Motion for admitting to Bail one committed by order of this House.

' Mr. Speaker, Sir, the Privileges of both Houses of Parliament are concerned in this Business, and in that the very Being of Parliaments: and therefore we must be careful what we do in it. I have perused the *Habeas Corpus* Bill, and do find, that there is not any thing in it that doth reach, or can be intended to reach to any Commitment made by either House of

* No Notice is taken of this Circumstance in the Journals of the House.

of Parliament during Session. The Preamble of the Act, Anno 22 Car. II. 1680. and all the Parts of it, do confine the Extent of the Act to Cases bailable, and directs such Courses for the Execution of the Act, as cannot be understood should relate to any Commitment made by either House. This House is a Court of itself, and part of the highest Court in the Nation, superior to those in Westminster-hall; and what Laws this House joins in making, are to bind inferior Courts, but cannot be understood to bind themselves as a Court; that would prove not only dangerous, but destructive to the Dignity of Parliaments, and level them with the Courts in Westminster-hall. Great care ought to be taken how you allow of Restraints and Limitations to the Proceedings of both Houses of Parliament, being so great a Part of the Legislative Power of the Nation, lest thereby you should by degrees render them useless. A Commitment of this House is always in nature of a Judgment; and the Act is only for Cases bailable, which Commitments upon Judgments are not; at least Commitments by this House were never yet allowed to be bailable; and I suppose you will never grant them so to be. Can it be imagined that this House, who represent all the Commons of England, should not be entrusted with as much Power for the Preservation of their Constitution, upon which the Support of the Government so much depends, as ordinary Courts and Officers are entrusted with, which are only designed for the Welfare of particular Persons. I am of Opinion, that no Act can deprive this House of that Power which they have always exercised, of committing Persons without Bail, unless in express Words it be so declared: Nor of discharging upon Bail, after committed. The same Reasons which may be given for discharging such as are not committed for Breach of Privilege, if it be grounded on the Act for the *Habeas Corpus*, will hold as strong for the discharging of Persons committed for Breach of Privilege; and so consequently deprive this House of all its Power and Dignity, and make it insignificant. This is so plain and obvious, that all Judges ought to know it; and I think it below you to make any Resolve therein, but rather leave the Judges to do otherwise at their Peril, and let the Debate fall without any Question.

What followed the same Day, related to Pensioners and Placemen sitting in Parliament; on which Occasion Sir F. Winnington expressed himself thus:

Mr. Speaker, Sir, the last House of Commons being sensible how narrowly this Nation escaped being ruined by a Sort of Ministers called Pensioners, which sat in the late long Parliament, had entered into a Consideration how to prevent the like from coming into future Parliaments; and in order

Sir F. Winnington, on Pensioners in Parliament.

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1680.

order thereto resolved, that they would severely chastise some of those that had been guilty, and make the best Laws they could to prevent the like for the future: And for that Purpose a Committee was appointed, of which Mr. Serjeant Gregory, now Judge Gregory, was Chairman: by which, many Papers relating to that Affair came to his Hands. Sir, I think it a Business of so great Importance, that it never ought to be forgotten, nor the Prosecution of it deferred. I have often heard, that England can never be destroyed but by itself: To have such Parliaments was the most likely way that ever yet was invented. I remember a great Lawyer said in this House, when it was debated in the last Parliament, that it was Treason; and he gave many learned Arguments to make it out. Whether it be so or no, I will not now offer to debate; but I think, that for those that are the Legislators of the Nation to take Bribes to undermine the Laws and Government of this Nation, that they ought to be chastised as Traitors. It was my fortune to sit here a little while in the long Parliament; I did observe that all those that had Pensions, and most of those that had Offices, voted all of a side, as they were directed by some great Officer, as exactly as if their Business in this House had been to preserve their Pensions and Offices, and not to make Laws for the good of them that sent them here. How such Persons could any way be useful for the support of the Government, by preserving a fair Understanding between the King and his People, but on the contrary how dangerous to bring in arbitrary Power and Popery, I leave to every Man's Judgment. They were so far from being the true Representatives of the People, that they were a distinct middle Interest between the King and the People; and their chief Business was to serve the End of some great Minister of State, though never so opposite to the true Interest of the Nation. Sir, this Business ought never to fall, though there should be never so many Prorogations and Dissolutions of Parliaments, before any thing be done in it; I think it is the Interest of the Nation, that it should be prosecuted from Parliament to Parliament, as if there were an Impeachment against them. And therefore, Sir, I would humbly move you to send some Members of this House to Judge Gregory, for the Papers he hath taken in his Custody relating to this Affair, that so you may in convenient time proceed farther herein, as you shall think good. And, Sir, being there is a Report that some of this House have now made a Bargain at Court for great Offices, in order to vitiate and corrupt their Votes in this House; which though but a Project to cast a Reflection on such Members, however to satisfy the World, I pray, Sir, let there be a Vote past, That no Member of this House shall accept of any Office under

under the Crown, during such time as he continues a Member of this House. Anno 3^d Car. II.
1680.

Mr. Speaker, Sir, I am so over-loaden with Melancholy, as that I can hardly speak in this Matter: For I have received so many Compliments as to my being constituted a great Minister of State, that I begun to flatter myself, as others flattered me, that I was really so. But now I do discover, that I have been but in a kind of a Dream; and to fear that I shall never in reality have any such Office. But whatever Vote you make to punish us Officers, I pray, Sir, let it not be so severe as that it may prejudice the Public. Suppose His Majesty should have occasion to send some Persons to Nimeguen for Plenipotentiaries, and there should not be any Men in England fit for it, but some that should be Members of this House, would you have the public Affairs of the Nation injured; rather than such Members should accept of such an Employment? Or suppose some Invasion should happen, and there were no Courageous, expert Admirals to be had, but such as were Members of this House, should they not accept thereof because of your Vote? To prevent these Inconveniencies, to leave us all some Hopes, I pray, Sir, add to your Votes, *not without leave of the House.* After some farther Debate,

* Silas Titus,

Resolved, That the several Writings, Papers, and Proceedings, relating to such Members of the late long Parliament, who received Allowances out of the Money appointed for secret Services, be produced to this House.

Resolved, That no Member of this House shall accept of any Office or Place of Profit from the Crown, without the Leave of this House; nor any Promise of any such Office or Place of Profit, during such Time as he shall continue a Member of this House.

That all Offenders herein shall be expelled the House.

January 5, 1680-1. Sir Richard Corbet reported the Articles appointed to be drawn up against Sir William Scroggs, Lord Chief Justice of the King's-Bench, which were as follows.

Articles of Impeachment of High-Treason and other great Crimes and Misdemeanors against Sir William Scroggs, Chief Justice of the Court of King's-Bench, by the Commons in Parliament assembled, in their own Name, and in the Name of all the Commons of England. Articles of Impeachment against Lord Chief Justice Scroggs.

1. That he the said Sir William Scroggs, being then Chief Justice of the Court of King's Bench, hath traitorously and wickedly endeavoured to subvert the Fundamental Laws,

* By what Stile this late great Patriot was now become a great Minister of State, we have not yet been able to learn.

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Laws, and the established Religion and Government of this Kingdom of England; and, instead thereof, to introduce Popery, and an arbitrary and tyrannical Government against Law: which he hath declared by diverse traitorous and wicked Words, Opinions, Judgements, Practices and Actions.

2. That the said Sir William Scroggs, in Trinity-Term last, being then Chief Justice of the said Court, and having taken an Oath duly to administer Justice, according to the Laws and Statutes of this Realm; in pursuance of his said traitorous Purposes, did, together with the rest of the said Justices of the said Court, several Days before the end of the said Term, in an arbitrary manner discharge the Grand Jury, which then served for the Hundred of Oswaldston, in the County of Middlesex, before they had made their Presentments, or had found several Bills of Indictment which were then before them; whereof the said Sir William Scroggs was then fully informed, and that the same would be rendered to the Court upon the last Day of the said Term; which Day then was, and, by the known Course of the said Court, hath always heretofore been given unto the said Jury, for the delivering in of their Bills and Presentments: By which sudden and illegal Discharge of the said Jury, the Course of Justice was stopped maliciously and designedly, the Presentments of many Papists and other Offenders were obstructed, and in-particular a Bill of Indictment against James Duke of York, for absenting himself from Church, which was then before them, was prevented from being proceeded upon.

3. That whereas one Henry Carr had, for some Time before, published every Week a certain Book, intituled, *The Weekly Packet of Advice from Rome*; or, *The History of Popery*; wherein the Superstitions and Cheats of the Church of Rome were from Time to Time exposed; he the said Sir William Scroggs, then Chief Justice of the Court of King's-Bench, together with the other Judges of the said Court, before any legal Conviction of the said Carr of any Crime, did, in the same Trinity-Term, in a most illegal and arbitrary manner, make, and cause to be entered a certain Rule of that Court, against the printing of the said Book, *in hæc verba*:

Dies Mercurii proxime post tres septimanas sanctæ Trinitatis,
Anno 32 Car. II. Regis.

Ordinatum est quod liber intitulus 'The Weekly Packet of Advice from Rome; or, The History of Popery, *non ulterius imprimatur vel publicetur per aliquam personam quancunque.*
Per. Ca

And did cause the said Carr, and divers Printers and other Persons, to be served with the same; which said Rule and other Proceedings were most apparently contrary to all Justice,

vice, in condemning not only what had been written, without hearing the Parties, but also all that might for the future be written on that Subject; a manifest Countenancing of Popery, and Discouragement of Protestants, and open Invasion upon the Right of the Subject, and an encroaching and assuming to themselves a legislative Power and Authority.

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4. That the said Sir William Scroggs, since he was made Chief Justice of the King's-Bench, hath, together with the other Judges of the said Court, most notoriously departed from all Rules of Justice and Equality, in the imposition of Fines upon Persons convicted of Misdemeanours in the said Court; and particularly in the Term of Easter last past, did openly declare in the said Court, in the Case of one Jessop, who was convicted of publishing false News, and was then to be fined, that he would have regard to Persons and their Principles in imposing of Fines, and would set a Fine of 500*l.* on one Person for the same Offence, for the which he would not fine another 100*l.* And according to his said unjust and arbitrary Declaration, he the said Sir William Scroggs, together with the said other Justices, did then impose a Fine of 100*l.* upon the said Jessop; although the said Jessop had, before that Time, proved one Hewit to be convicted as Author of the said false News. And afterwards in the same Term did fine the said Hewit, upon his said Conviction, only five Marks. Nor hath the said Sir William Scroggs, together with the other Judges of the said Court, had any Regard to the Nature of the Offences, or the Ability of the Persons, in the imposing of Fines; but have been manifestly partial and favourable to Papists, and Persons affected to, and promoting the Popish Interest, in this time of imminent Danger from them: And at the same time have most severely and grievously oppressed His Majesty's Protestant Subjects, as will appear upon View of the several Records of Fines, set in the said Court; by which arbitrary, unjust, and partial Proceedings, many of His Majesty's Liege People have been ruined, and Popery countenanced under Colour of Justice; and all the Mischiefs and Excesses of the Court of Star-Chamber, by Act of Parliament suppressed, have been again, in direct Opposition to the said Law, introduced.

5. That he, the said Sir William Scroggs, for the farther accomplishing of his said traitorous and wicked Purposes, and designing to subject the Persons, as well as the Estates of His Majesty's liege People, to his lawless Will and Pleasure, hath frequently refused to accept of Bail, though the same were sufficient, and legally tendered to him by many Persons, accused before him only of such Crimes, for which by Law, Bail ought to have been taken; and divers of the said Per-

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sons being only accused of Offences against himself; declaring at the same time, that he refused Bail, and committed them to Goal, only to put them to Charges; and using such furious Threats as were to the Terror of his Majesty's Subjects, and such scandalous Expressions as were a dishonour to the Government, and to the Dignity of his Office. And particularly, that he, the said Sir William Scroggs, did, in the Year 1679, commit and detain in Prison, in such unlawful manner, among others, Henry Carr, George Bröome, Edward Berry, Benjamin Harris, Francis Smith, sen. Francis Smith, jun. and Jane Curtis, Citizens of London: Which Proceedings of the said Sir William Scroggs are a high Breach of the Liberty of the Subject, destructive to the Fundamental Laws of this Realm, contrary to the Petition of Right, and other Statutes, and do manifestly tend to the introducing of Arbitrary Power

6. That the said Sir William Scroggs, in farther Oppression of His Majesty's liege People, hath, since his being made Chief Justice of the said Court of King's-Bench, in an arbitrary Manner, granted divers general Warrants for attaching the Persons, and seizing the Goods of His Majesty's Subjects, not named or described particularly in the said Warrants; by means whereof many of His Majesty's Subjects have been vexed, their Houses entered into, and they themselves grievously oppressed contrary to Law.

7. Whereas there hath been a horrid and damnable Plot contrived and carried on by the Papists, for the Murdering the King, the Subversion of the Laws and Government of this Kingdom, and for the Destruction of the Protestant Religion in the same; all which the said Sir William Scroggs well knew, having himself not only tried, but given Judgment against several of the Offenders; nevertheless, the said Sir William Scroggs did, at divers Times and Places, as well sitting in Court as otherwise, openly defame and scandalize several of the Witnesses, who had proved the said Treasons against divers of the Conspirators, and had given Evidence against divers other Persons, who were then untried, and did endeavour to disparage their Evidence, and take off their Credit. Whereby, as much as in him lay, he did traitorously and wickedly suppress and stifle the Discovery of the said Popish Plot, and encourage the Conspirators to proceed in the same, to the great and apparent Danger of His Majesty's sacred Life, and of the well-established Government, and Religion of this Realm of England.

8. Whereas the said Sir William Scroggs, being advanced to be Chief Justice of the Court of King's-Bench, ought, by a sober, grave and virtuous Conversation, to have given a good Example to the King's Liege People, and to demean himself

himself answerable to the Dignity of so eminent a Station; yet he the said Sir William Scroggs, on the contrary, by his frequent and notorious Excesses and Debaucheries, and his prophane and atheistical Discourses, doth daily affront Almighty God, dishonour His Majesty, give Countenance and Encouragement to all manner of Vice and Wickedness, and bring the highest Scandal on the public Justice of the Kingdom.

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All which Words, Opinions and Actions of the said Sir William Scroggs, were by him spoken and done, traitorously, wickedly, falsely and maliciously, to alienate the Hearts of the King's Subjects from His Majesty, and to set a Division between him and them; and to subvert the Fundamental Laws, and the established Religion and Government of this Kingdom, and to introduce Popery, and an arbitrary and tyrannical Government, contrary to his own Knowledge, and the known Laws of the Realm of England. And thereby he, the said Sir William Scroggs, hath not only broken his own Oath, but also, as far as in him lay, hath broken the King's Oath to his People; whereof he, the said Sir William Scroggs, representing His Majesty in so High an Office of Justice, had the Custody: For which the said Commons do impeach him the said Sir William Scroggs, of High-Treason against our Sovereign Lord the King, and his Crown and Dignity, and other the High Crimes and Misdemeanours aforesaid.

And the said Commons, by Protestation saving to themselves the Liberty of exhibiting, at any time hereafter, any other Accusation or Impeachment against the said Sir William Scroggs, and also of replying to the Answer that he shall make thereunto, and of offering Proofs of the Premises, or of any other Impeachments or Accusations that shall be by them exhibited against him, as the Case shall (according to the Course of Parliament) require; do pray, that the said Sir William Scroggs, Chief Justice of the Court of King's-Bench, may be put to answer to all and every the Premises, and may be committed to safe Custody; and that such Proceedings, Examinations, Trials and Judgments, may be upon him had and used, as is agreeable to Law and Justice, and the Course of Parliaments. Upon which the following Speeches were made:

Mr. Speaker, Sir, in my Opinion the Matter contained in the last seven Articles, doth not answer the first Article nor the Title: For therein you accuse Sir William Scroggs, in general Words of High-Treason, the Highest of Crimes; and when you come to Particulars, you instance the dismissing of Grand-Juries, prohibiting printing of Pamphlets, Inequality in levying of Fines, and the like. Sir, I would

Sir Thomas
Lee.

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not be understood to be an Advocate for the Lord Chief Justice Scroggs; but I hope that as long as I sit here, you will always give me Leave to be an Advocate for this House; which I cannot more signally demonstrate, than by offering my Opinion against every thing, which I think will reflect upon the Justice or Prudence of the House, or prove any Hindrance to the finishing of those great Affairs you have under Debate.

' Sir, I am of Opinion, that though all these things contained in these Articles should be fully proved, they will not amount to Treason; and although it be true that you do but impeach, and that the Lords are to judge, yet it is not agreeable to the Justice of this House, that the Articles should be for Treason, unless you are well satisfied, that you can make out that the Matter contained in the Articles is so: Which I very much doubt; and therefore I am of Opinion, that the Articles ought only to be for High Crimes and Misdemeanours; which I am the more forward to press you earnestly to, because I am afraid if these Articles should go for High-Treason, it may occasion some Dispute with the Lords, who haply, if they do not conclude that the Matter contained in the Articles amounts to Treason, will not commit him, notwithstanding their Order made in the Earl of Danby's Case: And that may occasion such Misunderstandings, as may hinder all other Business. And also if you send it up for High-Treason, it may occasion another Dispute with the Bishops, whether they shall withdraw or no, when the Case comes to be tried: Upon the whole Matter, I think it will be much safer that you make the Impeachment for High Crimes and Misdemeanours only.'

Daniel Finch.

' Mr. Speaker, Sir, my Obligation to serve my Country calls me to give you my Opinion in this Matter, and not any Kindness to my Lord Chief Justice: For I can safely declare, that I do not think him fit for that eminent Place now, because indeed I never thought he was fit: So that what I shall say proceeds from my Kindness to the Public, and particular Obligations to this House. I think we ought to be cautious how we increase Laws to take away our Lives; our Forefathers were very careful in it, as may appear by the Statute of 25 Edw. III. which was made to prevent the Judges from taking on them any Power; to declare any thing Treason, but what was express'd within that Statute; referring all obvious Crimes of that Nature to the Judgment of the Nation in Parliament, who no doubt may declare other things Treason which are not within that Statute. But it is a Question with me, whether it can be done any other way than by Bill, that so it may be an Act of King, Lords and Commons, and not for the House of Lords only, the Com-
mons

mons only Prosecutors, and the King not concerned. That the Lords alone are proper Judges in many Cases, when Persons are prosecuted upon some known Law, is not to be doubted; but I much question if they ought to be so in Cases of declarative Treason, though upon an Impeachment from the House of Commons: For that were to allow the Lords alone, a power of making a Law in the Cases of the highest Nature, even of Life and Death. Sir, our Forefathers thought not good to entrust their Lives or Liberties with any one Estate alone, they thought with a Multitude of Counsellors there was most safety; and therefore I hope we shall be very cautious how we make a Precedent in the Case. And I am the more earnest in moving you herein, because I am very confident that no Precedent can be offered to make good, that there was ever any thing declared Treason in Parliament, which was not Felony by some express known Law before. And I hope we shall be so careful of Ourselves and our Posterity, as not to go about to make a Breach upon the Constitution of the Government, in this particular; but rather make the Impeachment only for High Crimes and Misdemeanours.

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Mr. Speaker, Sir, I cannot agree with that honourable Member that spoke last, as to his Notion, that the Parliament cannot declare any thing to be Treason, which was not before Felony by some known Law; the Statute of 25 Edw. III. leaves the Power at large to Parliaments, without any such Restriction. And I am of Opinion, that any thing that tends to the Destruction or Alteration of the Government, hath always been, and ought to be declared in Parliament, Treason, if brought there to be judged. The Parliament doth not in this make new Crimes, and then condemn them; but only declares that to be a Crime which was so before, and wanted nothing but condemnation. And it may consist with the Prudence of this House, as well to be careful not to weaken those Laws and Customs, which tend so much to the Preservation of the Government, as how to increase any that may tend to the Destruction of any one Man, by multiplying Precedents for chastising of Treason. The Crimes, for which Tresilian and the rest at that time were impeached, were not Felony by any known Law, and yet they were condemned in Parliament. Empson and Dudley were accused in general, for endeavouring to subvert the Government, which being in general Words was not Felony by any known Law, yet the Judges having recourse to Parliament, they were condemned. The Articles against Finch, Berkeley, and the rest, were all for High-Treason, and the Matter contained in their Articles amounted to no more than what is now contained in this. And there is so little weight

Sir F. Winstan-

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in the Cases that have been offered against this, that, I think, they are offered rather for Ornament than Argument. The Chancellor is the Keeper of the King's Conscience, and the Judges of his Coronation Oath. As they are in great Places, and have a great Power, so they ought to be the more careful how they behave themselves. And as they have greater Encouragement, so to be subject to more severe Chastisement than others, the Public being more concerned in their Actions; and therefore the Custom of Parliaments hath made that Treason in them, which is not so in other Persons. The Words of Judges and Privy Counsellors in some Cases are overt Acts of themselves. I think it will become the Wisdom of the Nation, to make all the Defence and Provision they can, against the corrupt Doings of Men in such Places. And I do not see what Danger can arise to our Posterities by such Proceedings. Is it not with the Parliament we entrust this Power? Who can imagine that a Parliament can ever be so constituted, as not to be carefully concerned in their Proceedings as to Life and Death; and only to concern themselves therein, when some extraordinary Exigencies, in which the Government is much concerned, requires it? What Man would desire to live after he was thought worthy of Death by such an Assembly? And notwithstanding what hath been said to extenuate the Crimes mentioned in these Articles, I think, the Order that was made in the King's Bench about printing, by the Judges, was taking on them a Legislative Power, which hath formerly been judged Treason; And I think we live now in as dangerous Times as ever, and under as great a Necessity, to have a care of the Mischiefs that may happen to the Nation by ill Judges as ever. And I see no Reason to doubt our being able to make good these Articles; and therefore I pray that the Articles may be ingrossed as they are.

H. Powle.

Mr. Speaker, Sir, I agree that it will become this House very well, to be very cautious how they make Precedents in Cases of Treason, which are the Sheet-Anchors of Life and Death; As also how they weaken parliamentary Proceedings, that are necessary to preserve the Government. And I hope that nothing but the true Merits of the Cause will lead us in a Matter of so great Importance, and neither Wit nor Oratory, nor any forced Explanation of the Laws. I see it agreed by all, that Parliaments have a Power of declaring Treason; the Question is, which is most Customary and Securest, to have it done by Bill, that so King, Lords and Commons may join therein; or whether by an Impeachment from the Commons, the Lords being only the Judges; or whether any thing ought or can be declared Treason by Parliament, which was not Felony by some known Law before.

Sir,

* Sir, I am of Opinion that it is the safest and most agreeable to the Policy of this Government, that the declaring of any thing Treason in Parliament should be by Bill; that King, Lords and Commons may join therein, that such a precious thing as the Life of the Subject should have the greatest Security imaginable. However, it is not to be doubted, but it hath been practised otherways, and that many Persons have been condemned in Parliament, upon Impeachments from the Commons, for Facts which were not Treason by any known Law. And the Reason may be, thereby to prevent the Dangers that might arise, from some Ministers of State growing so great with the King, as that they should be able to secure him from ever giving his Consent to a Bill. In such a Case, by giving ill Counsel and other secret Courses, (haply as far as Treason, yet not known by any Law) they would be secure from Punishment, if this way of Proceeding against such a Person, where the King's Concurrence is not necessary, were not allowed of. And the preserving of this Right is so far from being contrary to the Wisdom of our Ancestors, that it is very agreeable to all their Proceedings in the Constitution of this Government, in order to balance it the better, and preserve it against the Designs of great ill Men. And as to the other Objection, that the Parliament cannot declare any thing Treason that was not Felony before by some known Law, I am quite of another Opinion, and do believe the Practice hath been otherways: The Judges in Richard the III's Time were condemned for giving extrajudicial Opinions, which, I think, were not Felony by any Statute-Law. A Knight of Cheshire was condemned in Parliament, for conspiring the Death of the King's Uncle. An Earl of Northumberland, for giving Liveries to so many Persons as were judged a little Army. And many other Cases I have read of, in which Persons have been condemned in Parliament, when their Crimes were not Felony by any known Law. But I do not take delight in ripping up of old Statutes or Precedents about Treasons. I am sorry the Misfortunes of our Times should make it now necessary. But if the Parliament, as I conclude, have often declared such things as these Treason, and the Commons have impeached Persons guilty of such Crimes for High-Treason; I see no just Objection why these Articles should not go up as they are drawn: For notwithstanding what hath been said to mitigate the Crimes contained in these Articles, I am of Opinion, that the Order made in the King's-Bench, about printing their Warrants for seizing of Books, their dismissing of Grand-Juries, do tend to the Subversion of the Government, and hath been and ever ought to be, in Judges, judged Treason. And therefore, that it cannot consist with
the

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Paul Foley,

the Prudence of this House, nor the Security of the Nation, that this Person should be impeached of less than High-Treason. And therefore I move you, that the Articles may be engrossed.

Mr. Speaker, Sir, we are not going about to declare any thing Treason, but to offer our Articles, and leave it to the Lords; therefore most of these Arguments would be more proper there: For we only impeach, they are to be the Judges, whether the Matter be Treason or no. It is true, we ought to be cautious what we do in it, because it is not proper that this House should impeach a Man for Treason without having good Grounds for it. But is not the Order about Printing a kind of an Act of State, to serve instead of a Law? Is not the Use of Grand-Juries a very essential Part of this Government? And is not the dismissing of them, as this Judge did, a Way to render them useless? Are not his Warrants to seize Books and Papers arbitrary, and doth not all tend to the Subversion of the Government? And what better Grounds should we have for our Proceedings? I think the Articles are well drawn, and ought to be ingrossed as they are.

Sir Richard Temple.

Mr. Speaker, Sir, I cannot admit that Parliaments, by Impeachments before the Lords, can make any thing Treason, but only such Matters as were Treason by Common-Law, before the Statute of Edward the Third. And, I think, we ought to be so cautious of our Posterities, as not to press for such Precedents, lest you put into the Hands of the Lords a Power, for which we may have Cause to repent hereafter, but never get back again: For the Lords do not use to part with those Powers they once get. There are Precedents by which it appears, that the Lords have attempted to make declarative Treasons alone, without any Impeachment from the Commons. Have a care how you give them Encouragement to proceed therein; better keep to the other Way of making no declarative Treasons but by Bill.

The Articles were read, and Question put:

Resolved, That the said Sir William Scroggs be impeached upon the said Articles, and that the said Articles, be ingrossed, and carried up to the Lords, by my Lord Cavendish.

Several other Judges order'd to be impeached.

Ordered, That the Committee appointed to examine the Proceedings of the Judges in Westminster-hall, and to prepare Impeachments against Sir Francis North, Chief-Justice of the Common-Pleas; Sir Thomas Jones, one of the Justices of the Court of King's-Bench; and Sir Richard Weston, one of the Barons of the Court of Exchequer, do bring in such Impeachments with all convenient Speed.

After

After the Articles were brought into the House of Lords, the Lord Chief-Justice put in the following Answer, viz.

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The Answer of Sir William Scroggs, Knt. Chief-Justice of his Majesty's Court of King's-Bench; to the Articles of Impeachment exhibited against him by the Commons of England, in the late Parliament assembled.

‘THE said Sir William Scroggs, by and under Protestation, that there is no manner of High-Treason, or any Overt-Act of High-Treason, particularly alledged or expressed in the said Articles of Impeachment, to which the said Sir William Scroggs can, or is bound by Law, to make any Answer unto; and saving to himself, (and which he prayeth may be saved to him) both now and at all Times hereafter, all, and all manner of Benefit and Advantage of Exception to the Insufficiency of the said Articles, in point of Law; as well for that there is no Overt Act of Treason expressed therein, as for all other the Defects therein appearing, for Plea thereto; he saith, That he is in no wise guilty of all, or any the Crimes, Offences, or Misdemeanors, of what nature, kind, or quality soever, by the said Articles of Impeachment charged upon him, in Manner and Form as in and by the said Articles is supposed; which he is ready to aver and prove, as this honourable House shall award: And humbly submitteth himself, and the Justice of his Cause, to this most honourable House, and prayeth to be discharged of the Premises, and to be hence dismissed and acquitted of all the Matters, Crimes, Misdemeanours, and Offences, in and by the said Articles of Impeachment charged upon him.’
&c.

W. SCROGGS.

After this, a Petition of Sir William Scroggs was read.

To the Right Honourable the Lords spiritual and temporal in this present Parliament assembled; The humble Petition of Sir William Scroggs, Knt. Chief-Justice of his Majesty's Court of King's-Bench:

‘Sheweth,
‘THAT your Petitioner, the last Parliament, was impeached before your Lordships, by the House of Commons, of several Articles styled High-Treason, and other great Crimes and Misdemeanors.

‘To which your Petitioner hath now, with the first Opportunity, put in his Answer to this honourable House.

‘Your Petitioner humbly prays, that your Lordships would be pleased to appoint the House of Commons to re-

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ply, that so a convenient Day may be appointed for the Hearing of the Cause; that your Petitioner may no longer lie under the Reproach of the Word High-Treason.

And your Petitioner, as in Duty bound, shall ever pray, &c.

W. SCROGGS.

Ordered, That the Copy of this Answer and Petition shall be sent to the House of Commons.

But the Parliament being soon after prorogued, this Affair was dropped. However, the Lord Chief-Justice was removed from his high Station, and allowed a Pension for Life.

January 6, 1681. Colonel Birch made a Report of the Informations relating to the Irish Plot, and several Irish Witnesses were examined. And a Message from the Lords about the Irish Plot read.

Resolution concerning the Irish Plot.

Resolved, By the Lords Spiritual and Temporal in Parliament assembled, That they do declare, that they are fully satisfied that there now is, and, for divers Years last past, hath been a horrid and treasonable Plot contrived and carried on, by those of the Popish Religion in Ireland, for massacring the English, and subverting the Protestant Religion, and the ancient Established Government of that Kingdom, to which their Lordships desire the Concurrence of this House.

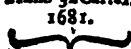
Speeches thereon.

Sir W. Jones.

‘ Mr. Speaker, Sir, the Evidence which you have heard at the Bar, and the Report which hath been read, as to the Popish Plot in Ireland, is not only a plain Discovery, of the dangerous and deplorable Condition of the Protestants in Ireland, but a great Confirmation of what Dr. Oates and the rest of the Witnesses have said as to the Plot here. So that now, no Man can have any Excuse for not believing it, but such as are misled by others who know it too well, because they are in it. I cannot but observe what a Concurrence and Agreement there is in the carrying of these two Plots. Fitz-Gerard tells you, that in 1662, several Officers were sent into France to get Money for carrying on of the Plot. And was it not in 1662, that we begun here with the Toleration, which gave the first Appearance of Popery to the Parliament? In 1672, we broke the Triple League, and entered into a strange Correspondence with France; then they actually listed and armed a great Number of Soldiers, which were first to go into France, and then to come back to carry on the Plot. In 75, and 76, all the Clergy in Ireland said the Duke of York should be King in 78. And Fitz-Gerard deposeth, that he then told the same to several Persons, who had since proved it before Sir John Davis, Secretary

Secretary of State in Ireland. And doth it not appear by the Witnesses here, that they intended about that Time to cut off the King? It appears, that they intended to massacre most of the Protestants, and to conquer others, and that this they hoped to do by Assistance expected from France, of Men and Arms, as soon as that King should be disengaged of the War he was engaged in with the Confederates. And doth not this agree, not only with Dr. Oates's Discovery, but Prance's too? And did we not, after we had assisted the French with about 12000 Men, most Irish, and helped them in the carrying on of that War, send Plenipotentiaries to Nimeguen, in order to make up a general Peace, that so he might be at leisure about that time, that the said Party expected his Assistance, and that the Clergy had told Firz-Gerard, that the Duke should be King? Upon the Discovery of the English Plot, the King, Lords, and Commons, declared it a horrid, damnable, and execrable Plot: Now upon the Discovery of this Irish Plot, the Lords Spiritual and Temporal have declared the same of it. But to what Purpose I know not, unless it be to discover the Strength of the Popish Party, in that after you know your Danger, and have declared it in Parliament, yet that their Interest is strong enough to baffle ours, and to prevent all manner of Remedies or future Security; nay, and to make you eat your own Declarations up again, and be ashamed (if possible) that ever you made such. This hath been the Effect of the Declarations so often made in Parliament as to the English Plot: And I am afraid, that this Declaration that hath been read, is all that will be done for the Security of the Protestants in Ireland. For notwithstanding all these Discoveries, which are the greatest that ever were, in a Case of so great a Conspiracy, such is their Influence and Authority, that they have not only saved their own Party from being any way weakened, (unless by those few that have been hanged) but have gained a great Number of the Protestants, to join and contribute as much to the carrying on of the Design as they can desire. The truth is, Sir, England can never be destroyed but by itself; and the Papists well know, this must be done by dividing us. If ever there were a Popish Miracle, it is in this, that seeing the Knife is so near our Throats, they should be able so to insatuate us, that, instead of making any Preparation to prevent them, we court all manner of Divisions and Animosities amongst ourselves, and cherish every Project of that Party that tends to our Ruin, with as much Earnestness as if it tended to our Safety. But, though this Witchcraft of theirs hath had a strange Power with People without Doors, yet I hope it will never have any Operation here, to prevent us from doing

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Sir H. Capel.

our Endeavours. And therefore seeing by this Discovery we find again, that all the Plot centers in the Duke of York, let us, after we have agreed to that the Lords have sent down, make a Declaration to this Purpose, that the Duke of York's being a Papist, and the Expectation which that Party have of his coming such to the Crown, hath given the greatest Encouragement to the Popish Plot in Ireland, as well as here.

Mr. Speaker, Sir, as the Irish Plot doth agree with the English Plot in several Circumstances before it broke out, so afterwards in the Prosecution of it. Were not the Witnesses intimidated and discouraged, or their Evidence consumed or turned into Ridicule? And was not the same done here? Were not some of them, to prevent their Evidence, ship'd off and never heard of more; and others strangely tormented? And doth not that in some measure answer with the Death of Sir Edmundbury Godfrey? Did not Sir John Davis and others in great Offices there, do all that they could to stifle the discovery of the Plot? And have not many of our Ministers done the same here? Were there not strange Endeavours used, to put off the Trials of such as were accused about the Plot, or to acquit them when they came to a Trial? And have not the same Endeavours been used here as to the Lords in the Tower, and the Trial of Wakeman, and many others? And, after all these Discoveries what have we done, or what are we doing to secure ourselves against this Party? Truly, Sir, I know not of any thing: But on the other hand can tell you, that great Things are doing to carry on the Plot. I see, that in order to discover the mighty Power of that Party, two Parliaments have already been dissolved without doing any thing against Popery, and I am afraid that this will have no better success. And in the Intervals of Parliaments, I observe, that all Heads are at work to persuade the People out of all the Particulars of the Plot, and allow them only a general Notion, that the Papists would bring in their Religion if they could, but withal endeavour to persuade them that it is impossible: that so they need not be afraid of it; and that the Fears and Jealousies of Popery are created by ill Men, that have a Design upon the Government, or Fanatics that have a Design upon the Church, and that all will end in Forty-one. I observe also, that the Witnesses that have come in to discover the Plot, are more and more defamed and discouraged; and all others in favour of Popery, very much cherished: And will not such Proceedings, and such Opinions as these, if well infused into the People, be serviceable to that Party, not only by dividing thereby the Protestant Interest, but by securing to themselves this Party so misled, to give them Assistance in the Disguise they will assume; until they have conquered any Party that may oppose them, and be able to stand on their own Bottom?

And

And may they not go a great way to mislead a great many credulous Persons, especially if Parliaments be kept off; and the Press and the Pulpit too (though I hope better) should be directed that way? And as these Opinions will give a greater Encouragement and Strengthening to that Party, for the carrying on of their Plot, and for all manner of new Contrivances; so will the Entertainment the Discoveries of the last Plot have met with, secure the Papists from ever having more Discoveries made of what they are transacting. And will not the Course that is taken of putting into all Offices, either of Trust or Profit, no Persons but such who they find will thus be misled, either by their Ambition, because they see it is the only way to Preferment, or because they have not Understanding to see these Designs at a distance, be a great help to them also? I think, Sir, the carrying on of these things thus, by such great Authority, after the discovery of such a Plot, and the contrary Endeavours of three Parliaments, are great things to encourage the going on of the Plot, after they have first reduced the State of Popery to the same Condition it was in before the Plot broke out; that so it may creep on upon us again, as they shall think may be most for their Advantage. And although I will not undertake to fathom the Depth of divine Providence, yet I am afraid, if we should grow careless, to secure our selves after such supernatural Helps, we may therein provoke God Almighty to be angry with us. And because amongst the Inventions that are afoot, there is much Noise made about the Time of Forty-one, I cannot but observe, that there is something in the Evidence of the Irish Plot that agrees with Forty-one. Then there was a great Massacre in Ireland, as now intended: I have some reason to remember, with Sorrow and Indignation, the Miseries of Forty-one; but am afraid the Discourse of those Times is, in this Conjunction, made use of to bring on the like Miseries again upon us, and not in order to prevent them; because I find, that those that talk most of preventing the Effect, carry on the Cause as much as they can; which to me is a Contradiction. I am of Opinion, that the Endeavours that were used before Forty-one, to possess the People against Parliaments, and of the King's Power to raise Money without Parliaments, was the great Cause of our Miseries in Forty-one. And I know no good Reason, why we should not suspect those who carry on the same Designs now (tho' with some little Variation) should not endeavour to bring about some alteration in the Government again, as well as those, that shew it in nothing but opposing of Popery; tho' the great Power that Party have, in representing Matters, have made it to be dangerous to the State. But I see we are like to have little Assistance, to prevent the carrying on of these Designs in these shapes; they must have their

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their Course. I do agree, that we may do well to add to this Resolution of the Lords, That the Duke's being a Papist, and their Hopes of his coming such to the Crown, hath given the greatest Hopes and Encouragement to the Popish Plot in Ireland, as well as in this Kingdom. And if the Lords Spiritual and Temporal should agree to it, I hope we may in time do something against Popery: For it would be very hard, if after they have agreed in the Cause, they should deny to join with us in the Remedy. And seeing the Bishops have agreed there is a Popish Plot in Ireland, I hope the Clergy will believe there hath been one in England, and consider the Danger of a Popish Successor and Popish King, and preach and pray against it: And then I shall conclude they are in good earnest against Popery, and that we should soon be able to vanquish this common Enemy. And then I think it would be the Interest of the Nation, to settle Matters relating to the Church, not only so as to stand against all Opposers, but to be more beautiful and triumphant than ever.

B. Holford.

Mr. Speaker, Sir, Solomon saith, there is no new thing under the Sun; but whoever will but consider, what great Endeavours have been used to stifle these Plots, and how few to prevent the like for the future, or the Danger arising from them, must conclude, that the like was never done in such a Case before. All the Plots center in the Duke: What is done with him? He is sent into Scotland to make an Interest there, that so the Government of that Kingdom, with an Army of 22,000 Men already settled, and what more may be got, may be as ready at his Command as the Strength of this Nation is here. A strange way of weakening an Enemy! And doth the Duke's Interest go backward here in his Absence? No, all those about the King are of his placing: And though we think him in Scotland, yet he is here too, as if there were Transubstantiation in the Case. I do not understand how the great Noise of Forty-one, that is now made, can tend to the securing us against Popery; but the Fear of that (which I am sure I have a great deal of reason to remember) may several Ways be used for the bringing in of Popery; and I have the more reason to fear so, because I am informed, that the Justice of Peace, who hath writ so many Books to fill the People's Heads with Notions about Forty-one, is now fled, because of Evidence given before the Lords of his being a Papist. I wish we could do something against the common Enemy, whose Power is so great as bids defiance to us; and then I shall be ready to contribute my poor Endeavours, as earnestly against Forty-one Men, if they be not so high as the Moon: For, I must confess, as yet I cannot find them out here below. And if these Churchmen would

would but join with us in ridding us of Popery, I would also join in preventing their Fears of Fanatics. Sir, I think you have a very good Motion made for a good Addition to the Lords Vote, as to the Duke of York's being the Cause of the Irish Plot also: I pray, let it be added, that so we may see whether the Bishops will do any thing against the Duke or no; for if they should, haply the Clergy may come in time to consider the Danger of a Popish Successor and Popish King, and preach and pray against it, as much as against Fanatics. If not, and the Doctrine be true which I have often heard, that there is no Distinction between the Duke's Interest and the Popish Interest, I am afraid we are in a bad Condition.

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Resolved, That this House doth agree with the Lords in the said Vote, with the Addition of these Words, That the Duke of York's being a Papist, and the Expectation of his coming to the Crown, hath given the greatest Countenance and Encouragement thereto, as well as to the horrid Popish Plot in this Kingdom of England.

A Motion being made and seconded, for the impeaching of the Earl of Tyrone,

Resolved, That Richard Poure, Earl of Tyrone in the Kingdom of Ireland, be impeached of High-Treason.

Earl of Tyrone
impeached.

Ordered, That the Lord Dursly go up to the Bar of the Lords, and impeach him of High-Treason in the Name of this House, and of all the Commons of England, and do pray that he may be committed to safe Custody.

January 7, 1681. His Majesty's Message, sent on Tuesday last, was read.

His Majesty's most gracious Message to the Commons in Parliament, January 4, 1680-1.

His Majesty's
Message read.

CHARLES, R.

HIS Majesty received the Address of this House, with all the Disposition they could wish, to comply with their reasonable Desires; but upon perusing it, he is sorry to see their Thoughts so wholly fixed upon the Bill of Exclusion, as to determine that all other Remedies for the suppressing of Popery will be ineffectual: His Majesty is confirmed in his Opinion against that Bill, by the Judgment of the House of Lords, who rejected it. He therefore thinks, there remains nothing more for him to say, in Answer to the Address of this House, but to recommend to them, the Consideration of all other Means for the Preservation of the Protestant Religion, in which they have no Reason to doubt of his Concurrence, whenever they shall be presented to him in a Parliamentary way: And that they would consider

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' consider the present State of the Kingdom, as well as the
' Condition of Christendom, in such a Manner as may enable
' him to preserve Tangier, and secure his Alliances abroad,
' and the Peace and Settlement at home.'

Speeches
thereon.

H. B.
perhaps Bosca-
wen, it appearing
by the Journals
that he was
that Day in the
House.

' Mr. Speaker, Sir, his Majesty is pleased to say in his
Message, that he is confirmed in his Opinion against the Ex-
clusion-bill, by the Judgment of the House of Lords; and
that he is sorry to see that this House hath such an Opinion of
it, as to conclude all other Ways and Means insufficient.
He is also pleased to say, that we have no Reason to doubt
his Concurrence, in any other Means that shall tend to the
Preservation of the Protestant Religion, when presented to
him in a parliamentary Way; which I do not doubt but he
will comply with, whenever he shall be pleased to follow the
Dictates of his own Judgment. But so long as there are so
many Persons about him, who have publicly declared for
the Duke's Interest, we have good reason to doubt, that we
shall hardly obtain any thing for the Security of the Protef-
tant Religion: We well know how many in the House of
Lords came to their Honours, and by whose Interest; and it
is not strange, that those that are as Servants should obey their
Master; but it is strange, that those who have prevailed with
the King to reject this Bill; if Protestants should be so un-
concerned in the Welfare of the Protestant Religion, as not
to offer what Expedients they have, to secure it any other
way; especially seeing the last Parliament, as well as this,
found it a Task too hard for them. But to reject the Bill which
we propose, and to offer no other to serve instead thereof,
though they have had two Years Time for Consideration, is
to me plain Demonstration, that nothing must be had against
Popery. That these Difficulties should be put upon us, and
our Dangers thus prolonged in favour of the Duke, after such
full Evidence that the Plot centers all in him, and that the
Original of our Miseries is from him, when the immediate
Safety of the King, and our Lives and Religion is concerned
on the other hand, is a plain Discovery of the great Power of
the Popish Interest, and of the low Ebb of the Protestants,
and that it is impossible that any thing can be granted us in
favour of the Protestant Religion, as long as those that are
so much for the Duke's Interest, are about the King. And
therefore seeing we are not like to do any thing by Bill,
that those that sent us here may see we have done what
we can, let us make such Votes as may be serviceable to our
Country, viz. 1. That neither the King's Person nor Pro-
testant Religion, can be secured any way without the Exclu-
sion-Bill. 2. That we can give no Money, without endan-
gering the King's Person and Protestant Religion, until we
have

have that Bill. And, 3. That seeing Supplies for all public Money ought to come from this House, there being no other way to supply the King with the Love of his People, as well as with Money, let us pass a Vote to prevent Anticipations on the Revenue and other Supplies. And because I believe Things are come to a Point, and that there are those that have advised the Dissolution of this Parliament, and the Nation can never be happy as long as we have such Counsellors, let us, while we may, pass our Censures on such Persons; for only God knows when we shall be permitted to sit here again.

Anno 32 Car. II.
1681.

Mr. Speaker, Sir, the truth is, we committed a great Error in the Beginning of this Session; when we went about to look into the Popish Plot, we went into the Tower, whereas we should have gone to the Court; for it is plain, that the Duke's Friends which are there, do still carry on the Plot against the Protestant Religion, as much as ever the Lord Bellasis, Powis, or any of those Lords in the Tower did. And we may reasonably conclude by the little Success we have had against Popery this Session, that until we can remove that Interest from about the King, we take pains to no purpose.

R. Montagu

Mr. Speaker, Sir, I am ready to agree in those Votes that were moved: For it appears plain to me, that we are not like to have any Laws against Popery: for the truth is, the Popish Interest is too strong for us. If there were any intent that we should have the Protestant Religion secured any other way, it is strange that those who advise the King to oppose our way, should not at the same time prevail with him to propose his. I am afraid that this Advice proceeds from those that think the King or Kingdom are not in danger of Popery, because they are of opinion, that Popery cannot hurt the King nor Kingdom; for otherwise they might plainly see it is like to have a Contest with us: And that it would be convenient it should be prevented, and be induced thereby to offer some Expedient, if there be any. And as we may conclude ourselves an unhappy People upon these Accounts, so also in that the House of Lords, after they had spent so much time about Expedients, and found them insufficient, should afterwards reject this Bill, without any farther Care how to preserve the Protestant Religion; at least, not by sending any thing to this House, though we have heard from them of Mr. Seymour's Articles, and some trivial Matters. And also in that some worthy Members, who have the Honour to serve in great Places about his Majesty, and have opposed this Bill, seeing this House in this great Dilemma, should not offer to do the Nation and this House that Kindness as to propose them. If there be any

Sir H. Capel

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such worthy Member that has any such Expedient, I hope he will stand up, and then I will presently sit down.

After a little pause, and no body offering to stand up ;

‘ The truth is, Sir, every Day doth more and more discover our Danger, and demonstrate, that this of Expedients is put upon us, in hopes that we should have offered at some Bill ; of which Advantage might be taken, to represent us as Persons not well affected to the Government, that so, if possible, even the People, as well as the King, might be brought out of Love with Parliaments. I do remember, that after the great Endeavours which some Ministers of State had used to bribe the late long Parliament, and had come so near to Perfection, as that the Nation was in a manner saved but by two or three Votes, this Dissolution was much admired at ; and it was most Men’s Business to cast about to find out the reason of it : Amongst other things it was concluded, That if the Popish Interest had any hand in it (as believed) that it was out of hopes, that they should thereby have an opportunity to make the King out of love with all Parliaments, and so occasion some Difference between him and his People. The little Success which the last Parliament had, the Improbability of this, and the Stumbling-blocks that are laid for the next, make me afraid that the long Parliament was dissolved for this reason : I have heard that the Jesuits have at this time a great Stroke in the Management of all the Affairs of Europe, and that it is by their Advice and Assistance, that the King of France goeth on so triumphantly, because they design to make him Universal Monarch, and in order thereto are true to him, though false to all the World besides. How far we have contributed already to the King of France his Greatness, and how this breaking off Parliaments, and keeping this Nation in this unsettled Condition, may conduce to his taking of Flanders and Holland, and his other Designs, all here may judge : And how it agrees with the Report of the Jesuits having the Management of all the Affairs of Europe : And how this can be prevented, without the Exclusion-Bill, is a Paradox to me. For I do still conclude, that so long as there is a Popish Successor, there will be a Popish Interest ; and that as long as there is a Popish Interest, and Fears of a Popish King, the Nation will be divided, and there will be constant Fears and Jealousies, not only here at home, but with our Allies abroad ; which will frustrate all Endeavours to oppose the French Designs, because there can be no Confidence between the King and his People. And this makes me conclude, we are under great Difficulties ; if we give Money, we have reason to fear it may be employed to our Destruction ; if we do not, if Flanders or Holland should be lost, great Endeavours will be used to lay it at our Doors, though

though we have given such hearty Assurances to his Majesty, of our Readiness to supply him with Money for the Support of it. And how we shall extricate ourselves out of these Difficulties, I know not.

Anno 32 Car. II.
1681.

‘ Sir, I have troubled you the longer, and with the more Earnestness, because I am doubtful whether I may ever have another opportunity to speak in this Place. Things are so out of order, and such prevalent Endeavours are used to unsettle them the more, that I am afraid, not only of our Religion, but of the very Government and being of the English Nation: For if these things should occasion Blood, while the French King is so powerful, he may easily have the casting Voice; and without that, only God knows what may be the End of such Confusions as some Men endeavour to occasion. All Projects of settling the Affairs of this Nation without Parliaments, have hitherto proved unsuccessful, and been attended with ill Consequences. I have a great deal of reason to be sensible of the Miseries of 41, and therefore am sorry to see such Dissolutions of Parliaments without Success. I am afraid there are Projectors again a-foot, that are for altering the Government, as to the Use of Parliaments: I judge so by their Proceedings, because I am of opinion, that Popery must destroy the Use of Parliaments, before it can be settled in this Nation. Seeing we are not like to have any Act pass this Session that may do the Nation any good, I think you have been well moved to do what service you can by your Votes.’

‘ Mr. Speaker, Sir, it is not only very strange, but, if I L. H. be not mistaken, contrary to the custom of Parliaments, that after the Lords have passed a Negative upon a Bill, we should still press for it, and declare ourselves resolved not to be satisfied without it, though it be well known that the King doth also intend to pass his Negative upon it; and that it cannot be had this Session, unless his Majesty be pleased to prorogue the House, of purpose to give an opportunity to go on with it again, which is very unlikely, if the Contents of his Speeches and Messages be considered, seeing the Lords have confirmed him in his Opinion of it. And therefore I should think it were much better to follow his Majesty’s Directions in his Message, and to try some other way, which would be a great Confirmation of our Readiness to obey his Majesty, in following his Advice, which, I believe, is the best way to prevent any farther Disagreement, that so this Parliament may have a happy Conclusion.’

‘ Mr. Speaker, Sir, I am fully persuaded, that we cannot L. C. be secure neither of our Religion nor Peace and Quietness, without this Bill; yet seeing we are not like to have it at this time, I am for going on with those other Bills that are afoot,

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that we may try if we can get them. Seeing we cannot do all the good we would, let us endeavour to do all the good we can. But I am ready to agree in the Vote that was proposed, That it is the opinion of this House, that neither the King's Person, nor Protestant Religion can be secured any other way, provided it be not intended to bind the House from trying what may be done by other Laws, lest Advantage should be taken thereof to break this Parliament, which I tremble to think of, because it will be attended with a great Ruin to our Affairs both abroad and at home.

Sir R. Mark-
ham.

Mr. Speaker, Sir, being the House is inclinable to hear of Expedients, I will crave leave to offer you one. In case the Duke should outlive the King, I think, if by an Act of Parliament, the Prince of Orange were appointed to administer the Government jointly with him, with such Powers and Limitations as might be thought convenient upon a serious Debate, it might give great Satisfaction, and probably secure the Protestant Religion.

Sir William
Jones.

Mr. Speaker, Sir, you have had several Propositions made you, and the way to come to some speedy Resolution, is not to debate too many together, but to keep close to that to which most have spoken; which, if I be not mistaken, is that which relates to the Duke's Bill, which some have opposed, because of the Difficulties arising from the Bill, and would rather have you go into a Committee, and treat of Expedients. But I think it below the Gravity of the House to be put out of their Method, unless some Expedients were proposed. But notwithstanding all the Provocations that have been given, we cannot hear of any Expedients, only one, which hardly deserves any farther Consideration in a Committee; because crowned Heads or Lovers, do not willingly allow of Rivals, but will be uneasy till they be rid of them. And I am afraid all other Expedients will be liable to as strong Objections; and that therefore it is that they are not proposed, though they have been so often discoursed of. If any Person would offer any, that had any appearance of giving Satisfaction, I should be ready to give my Voice for going into a Committee to debate them. But I know not why the House should lose that time, without some Expedient be first offered; and if there could be any Expedients found out, which were likely, really and effectually to prejudice the Duke's Interest, why should not the same Argument arise against them, as against the Exclusion Bill? Why would not any such Bill be also against natural Justice, the Oath of Allegiance, be a severe Condemnation, and not good in Law, but liable to occasion a Civil War? For I am not apt to think this great Contest is all about an empty Name; and if not, then the same Arguments will hold against

gainst any other Bill, that will be sufficient to keep him from the Government, if some such Bill or Bills could be contrived, as against the Bill of Exclusion: But the truth is, there can be no other Bill that can serve us in this case, because all other Bills will leave us in that miserable condition of opposing our lawful King, and all Opposition in such a case, would be liable to be construed a Rebellion. All other Bills in this case would be no more for the Security of our Religion, than a great many Leaves, Releases, and other Writings, are in many Cases of Estates, without Fines and Recoveries. However, I am against the Vote that was proposed, That the Duke's being a Papist hath rendered him incapable of the Crown: For that were to take on us a legislative Power; but let your Question be, That it is the opinion of this House, that the King's Person, and Protestant Religion, cannot be secure without that Bill: That so the Proceedings of the House may be justified, in demanding that Bill hereafter, though we should in the mean time go on with any other Bills.

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1681.

‘ Mr. Speaker, Sir, I shall not trouble you with any Argument, whether the Protestant Religion can be preserved under a Popish King; or whether an Act of Exclusion will be a good Act or no, or whether the Exclusion-Bill alone, if it should be granted, would be sufficient, or what others we should need; but the Question is at present, whether, seeing we cannot have this Bill, we shall not aim at something else, that so, if possible, we may prevent the Breaking up of this Parliament, without any effect, as to the great things they were summoned for, on which I cannot reflect without being much concerned; and I am afraid that it will be the consequence of persisting for this Bill. I cannot be persuaded, notwithstanding all that hath been said, but that there are other Bills that may attain our End, or at least do us some good. And we have no certain demonstration that this Bill, if we should obtain it, will infallibly do what is desired. The Acts made in Queen Elizabeth's Days did not suppress that Party totally: Though the Queen of Scots was cut off, yet that Interest continued, and even to this Day remains, and so it may probably though we should get this Bill; and therefore why should we stand so much in our own Light, as not to take what we can get? The Bill of Banishment may be of great Use, and some Bills to limit the Power of such a Prince, by putting the Power in Parliaments and Privy Counsellors; why should we lose all by being so eager for that we are never like to get? And therefore, I humbly conceive, we may do better to go on with such other Bills as may be thought convenient, and not struggle nor persist for the obtaining of this.’

Daniel Finch.

‘ Mr.

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1682.

J. B. (perhaps
Basset.)

‘ Mr. Speaker, Sir, I am not for adventuring my Life upon Rhetoric, which is all I can find there is in the Discourses that are made for Expedients. We all know that a little Thing altered the Government in France, and reduced the People of that Kingdom to Slavery: Pray let us have a care that, for want of a little short Act, we be not reduced to Slavery and Popery too. Will not all the Expedients that have been talked of, or can be imagined, leave us to contest with our lawful Prince, and that Assistance which he is well assured of, not only from the Papists here, but in Ireland, and from France and Scotland, I am afraid, enough to make it a measuring Cast? And is the Protestant Interest so low, that though our Dangers be so great, instead of a Sword to defend ourselves, we must be content with a Sheath? I am not for cheating those that sent me here: I think it much more for the Interest of the Nation, that we should have no Laws, than such as will but trepan us, by failing us like rotten Crutches when we have Occasion to depend on them; I had rather lose my Life and my Religion, because I were not able to defend them, than be fooled out of them by depending on such Laws. I take it for granted, that seeing the Exclusion-Bill is thought too much for us, and such great Endeavours are used to preserve the Strength and Interest of that Party, that we must either submit, or defend our Religion by a sharp Contest; and therefore I hope we shall not depend on Laws that will tend to weaken us. I am confident, that if some Ministers of State did not stand as Clouds between the King and us, we should have Redress. For how can it consist with his Goodness, or Coronation-Oath, that for the Interest of one Man, the Bodies and Souls of the rest of his Subjects should be in such Danger of perishing, as they are in case of his Death, if a Popish King should succeed, and such Popish Counsellors, Judges, Justices, and Bishops too, as we had in Queen Mary’s days? For it cannot be doubted, but that those that will be so loyal as to bring him in, will be so loyal, at it will be called, to obey him in all things which may be for his Interest. And the same Argument, which Queen Mary used, will supply the Defect of all Laws, that the Execution of all Ecclesiastical Laws may be suspended by force, but could never be repealed by the Power of Parliaments; and therefore commanded, that notwithstanding all Laws to the contrary, they should be executed as in the beginning of her Father’s Reign. The great Endeavours that are used to ridicule the Plot, arraign Parliaments, and divide the Protestant Interest, is a full Confirmation to me, that the Plot goeth on as much as ever. And how can it be otherwise, unless we can get the King of our Side, that so he may be more for us than
he

he is for the Duke, without which it is impossible that the Protestant Interest can stand long. In order to do something, I am ready to agree in the Votes that have been made." Anno 32 Car. II.
1681.

' Mr. Speaker, Sir, it is clear to me, that all Expedients without this Bill cannot signify any thing for our defence against Popery. All our Difficulty will be, to satisfy his Majesty, that nothing else can save his People from the Popish Bondage. And if we could do that, I do not doubt but he will rather pass the Bill, than let three Nations perish. The King doth now rely on the Judgment of the Lords in the Matter, yet haply will find upon an Information, that he hath no good Ground so to do. For, I believe, if he would ask the Lords why they were of that Opinion, many of them would tell him, because he was of that Opinion, and because they were awed by his Presence. And seeing the Lords are changed from the Time of the throwing out of that Bill, from 33 to 55; so they may probably change more against the Bill comes to them again. And I am confident will do so when they have consulted their Interest, and have found that all other Ways to secure the Protestant Religion are either impossible or impracticable. At least, I am confident they will not throw it out again, without a Conference. And it is my Opinion, there wants nothing but a Conference to have an Agreement with the Lords; in the mean time, that they may have Occasion to consider better of it, let us by a Vote declare our Resolution to stick to the Bill.'

G. V.

' Mr. Speaker, Sir, by the Debate which you have had about Expedients, it plainly appears, that the Popish Interest is so well fix'd, that we are not like to obtain any thing against it, that will do us any Good. And it is not strange, that we should meet with great Opposition. For we may reasonably conclude, that those, who had the Power to instil those Principles into the Royal Family, have not been negligent to improve their Interest, to secure those Advantages they have long hoped for, and expected, from such a Profelyte. And therefore those Arguments which some worthy Members have used, as to the Improbability that ever a Popish King should attempt to change our Religion, as not confisting with his Interest, are to me very preposterous, and a great Demonstration of the Influence of that Party, in being able to broach such Opinions, as are so useful to bring in that Religion. For my part, I am of a different Judgment, and do believe, that a Popish Head on a Protestant Body, would be such a Monster in Nature, as would neither be fit to preserve, or be preserved; and that therefore it would as naturally follow, as Night follows Day, that either the Head will change the Body, or the Body the Head.

Sir William
Pulteney.

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Head. Have we not already had sufficient Experience, what a miserable thing it is for the King to be jealous of his People, or the People of their Prince? Can it be imagined that there can be a Popish King in this Nation, without occasioning a constant Noise of Plots and Popery, and that such Reports, grounded on the King's Inclinations, will not occasion such a Fermentation in the People, as will end in Misery? Or, if it should prove otherwise, that by such Arts as may probably then be set on foot, the People should be lulled into a Security? Can we think that the Papists, who have been so many Ages at work for the Opportunity, should not take Advantage of that Security, to fetter us with their Popish Bondage? We may as well think that they will all then turn Protestants, or be true to the Protestant Interest. No, Sir, their great Design of having a Popish Successor was in order to bring in Popery. And we may conclude, they will heartily and earnestly pursue it, whenever they shall have a Popish King. And therefore, I think, it will never become the Prudence of this House, to desist from endeavouring to get the Exclusion-Bill, which is the only Remedy that can be in this Case, that we may have a Right to defend ourselves and our Religion against a Popish Successor, without which, this Nation will be in Time ruined. And therefore I humbly move you, that we pass those Votes that have been proposed.

Sir Francis
Winnington.

Mr. Speaker, Sir, I have considered this Message with that Duty and Respect I ought; it doth so agree with all others which his Majesty hath been pleased to send to this Parliament, that I do believe that all proceed from the same Council, and that our Endeavours to prevail with his Majesty, in that Particular of changing Councils, hath hitherto had no Effect. The King is pleased to say, that he is confirmed in his Opinion as to the Bill, by the House of Lords having rejected it; I admire how the King should know it in a Parliamentary way, so as to intimate so much to this House. Probably he might be present, as he hath generally been, ever since my Lord Clifford had so great a Share in the Management of the Affairs of this Kingdom. And how Things have gone there since, we all know. I do not doubt but his Majesty takes that unparallel'd Trouble of attending there daily, chiefly for the Good of the Protestant Religion; but I cannot but observe, that it hath had little Success. For Things, however, have gone with so much Difficulty against the Popish Party, that it may be a Question, whether his Royal Presence, or the Influence of a Popish Successor were strongest. The Bill for Papists taking the Test, tho' accompanied with a great Sum of Money, pass'd with much Difficulty, and so that for excluding the Lords, and not without

Without an Exception as to his Royal Highness: And therefore we have no great Reason to admire, that this about the Succession should be thrown out: And how can we expect it should be otherwise, as long as so many who sit there are in the possession of great Places by the Duke's means; and so many others who would come into great Places, which cannot be had but by his means? And how all this together makes an Interest, may easily be imagined. Sir, I do not mention these Things without regret; for I know my Distance, and have a great Veneration for the Nobility of this Land; and I know the Lords have their Freedom of Voting, and that there are many sit in the Lords House, who have all the Qualifications necessary for that great Station. But to see a Bill of this Importance treated so contrary to the usual Course of Parliaments, it is necessary that we should a little consider what may be the Cause, in order to regulate our Proceedings for the future: For if nothing must go in that House against the Duke, I think the Protestant Religion is like to have little Security from Acts. If the Duke had ever consulted the Books writ by his Grandfather or Father, or their Declarations in Matters of Religion, he would never have brought these Difficulties upon his King and Country. It is strange he should aim to get Heaven, by Proceedings so contrary to what his Father attempted with his Blood. But though he hath neglected to consult his Interest, I hope we shall not neglect to consult ours, in pursuing this Bill, seeing there is no other Remedy: Though I am afraid it is a great Work, and may break many Parliaments, because it is so like to destroy all the Papists Hopes of establishing their Religion. However, I will not fear but, God granting the King Life, it may be obtained at last; unless the Project now a-foot, of representing Parliaments as dangerous and useless, should prevent the meeting of any more: For even the old Band of Pensioners could slip their Collars, when Popery came bare-faced before them. It is not to be admired, that, seeing the Jesuits have been a hundred Years at work to rivet their Interest, by getting a Prince of their Religion, they should struggle hard to preserve it, that so they may have those blessed Effects they expect from it, which the Succession-Bill only can prevent. But it is strange, that, after such Discoveries of the Plot here and in Ireland and the Certainty of our irrecoverable Danger upon the King's Death, that so many Protestants should be deluded by that Party, and rather be led by artificial Falshoods, to their own Destruction, than by naked Truth, to join in that which only can save them. For Protestants to ridicule the Plot, and disparage the Witnesses, though their Evidence is so confirmed, that a Man may as well believe that Bread may be made Flesh by Transubstantiation, as that the Danger of our Religion is not true, is as strange, as to

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believe, that let the Papists carry on what Plots they will for the future, there will be ever any more Discoveries made: But if there should, I am sure the Witnesses will deserve the Censure of being mad (as was pass'd on him that owned the burning of London) considering how those have been rewarded. It is plain to me, that, as the King was under great Difficulties, arising from the Solicitations and Advices of private Cabals, when he put out his Declaration in April 1679, so he is now, and that it will never be otherwise, until he take up the same Resolution again of following the Advice of his Privy Council, and great Council the Parliament: Till when, I expect no alteration in our Affairs. The King, being a Protestant, must be for the Protestant Interest; the Duke, being a Papist, as much for the Papist Interest. How can it be imagined, that there can be any Union in our Councils, as long as the Interest of the Counsellors are so opposite; or that any thing should pass in favour of the Protestant Religion, as long as the major part are for the Duke's Interest. Such a Contradiction hath for many Years had strange Effects already, and must have worse, until all the King's Council be such as can be free to join, in settling the Affairs of the Nation upon the old Protestant Foundation; which will never be, until we have this Exclusion Bill. And therefore I think you are well moved, to signify so much by a Vote. And I am glad to see so many Lords Sons join therein: For I hope it may be a means to get a fair Understanding with the House of Lords, either now or hereafter.

Sir L. Jenkins.

‘ Mr. Speaker, Sir, I have hearkened with great attention to the Debates you have had about this Matter; and it is plain to me, that there can be no such thing as Demonstration in this Case, because this Exclusion Act, if obtained, may be liable to many Objections, and probably not secure us. Why then should we be so bent upon it, seeing the great Difficulties of obtaining it are so visible? For my part, I think if it should pass, it would be void of it self, and be of no Force at all: For which Reason, and because we are not like to get it, it is strange to me, that no Arguments will prevail to aim at some other thing, that so we may get something, which must be better than to have this Parliament be broken, for want of our taking what we may get. For supposing the worst, that we should not get any thing, that should be sufficient to prevent the Duke's coming to the Crown, yet we may get such Laws as may be sufficient to secure our Religion, though he should come to it. And would it not be much better, to spend our time in making Laws which may tend to that purpose, which we have Reason to believe will be granted, than to spend our

Time

Time in pursuing that we are not like to get? Some good Laws added to what we have, and the Number of People which we have in this Nation Protestants, would in my Opinion be an impregnable Fence against Popery. And it is no such strange Thing to have a Prince of one Religion, and People of another. The late Duke of Hanover was a Papist, yet lived in Peace with his People, though Lutherans. The King of France, notwithstanding his Greatness, permits a great Proportion of his People to be Huguenots, and lives in Peace with them. And seeing there is a great Probability that we may do so too, and that we may have what Laws we will, to secure our Religion to us in such a Case, why should we engage our selves farther for the getting of an Act, which the King and Lords have both declared against, and will never be consented to by the King, as we may reasonably believe, because he hath often declared, that he thinks it an unlawful Act, and that it is against his Conscience?"

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Mr. Speaker, Sir, The great Character this Honour- S. Titus-
able Member bears, the great Employments he hath been in under His Majesty abroad, as well as his Education in the Laws of this Nation, do justly challenge, that what he saith, should be well weighed and considered, before any Man should offer to contradict it. He is pleased to say, that this Act would be unlawful and invalid, if it should be obtained: And therefore, because we are not like to obtain it, and because the Duke of Hanover, though a Papist, lived in Peace with Lutherans, and the King of France with Huguenots, that we had better spend our Time in contriving Laws for the security of our Religion, if a Papist should come to the Crown, which we may get; and not in contriving Laws to keep him from the Crown, which we are not like to have. If this be not in plain English, the Sense of his Discourse, I am willing to be corrected. But, Sir, if it be, I do admire upon what Foundation the first Argument is grounded; I mean, that relating to the unlawfulness and invalidity of the Exclusion Bill. Was there ever any Government in this World, that had not an unlimited Power lodged somewhere? Or can it be possible that any Government should stand, without such a Power? And why such a Power should not be allowed here, which is so essential for the Support of the Government, I think can only be in order (if I may say it without Reflection) to have this Government fall; and I am afraid even at this time, by this very Business we are now debating. For it must be the Consequence, of denying that the Legislative Power of the Nation, King, Lords and Commons, are not able to make Laws to prevent it. But as this Opinion is strange, so are

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the Politics drawn from the Duke of Hanover, and King of France, to induce us to be willing to have a Popish King come to reign over us; when neither of the said Examples come home to our Case: But if they should, why must we be so willing to have a Popish King to govern us, as that we should be rather led by Examples fetch'd so far from abroad, than by the miserable Examples we had here in Queen Mary's Days; and by the undeniable Arguments and Reasons that have been offer'd to make out, that a Popish King will endeavour to bring in a Popish Religion? And notwithstanding the Example brought from France, I am afraid the French King is bound to assist the Duke's Interest therein; or otherways may be said of us, what the Devil could not say of Job, that we have served him for nought, contrary to the true Interest of England, these many Years. But by these Arguments, and all the King's Speeches and Messages, I plainly see, that this Honourable Member is in the right in one Thing; that we struggle in vain to get any Act, that shall signify any thing to prevent the Duke's coming to the Crown: But that if you will aim at Laws to secure your Religion after his coming to the Crown, you may probably obtain them. If this be not plainly said, I think it is plainly inferred; for are not all his Majesty's Speeches and Messages with an absolute Prohibition, as to any thing against the Succession? And I suppose will be as much understood against your Association Bill, or any other that tends to that purpose: And you may be sure, that when you come with any such, if so contrived as to signify any thing, that the same Opposition shall be made to them as to the Exclusion Bill. For it is plain to me, that the King's offering to concur in any Laws you shall propose for the securing of your Religion, compared with the other Limitations, can only be so understood; which is a fair denial of all Laws against Popery, at least those that advise it I believe do so intend it: For all Laws against Popery, if once you have a Popish King, will signify nothing; the strongest that can be made would easily be defeated, so as to be of no use to us. Suppose we should propose a Law to put a great Power in Parliaments, I mean in both Houses, that so we may have the Lords Spiritual, and *jure divino* of our side; yet it is to me very plain, that a Popish King would be able, either to prevent the Meeting of such Parliaments, or by awing or influencing of them when met, or by setting up a stronger Power than the Parliament, or a better *jure divino*, by means of the Popish Clergy, than ours, easily make all such Acts signify nothing. I have heard, that a wise King hath oftentimes made wise Counsellors, and that wise Counsellors sometime make wise Kings, but it must be when

when their Interest may bind them to take their Advice; Anno 32 Car. II.
 which in this Case would happen otherwise: For the Parliaments, in such a Case, must have some such Power reposed in them, as would render them suspected of being Competitors for the Sovereignty; and that would make the Prince justly jealous of them, and soon end in such a Breach as would endanger the Government. Or to prevent this, the Power must be settled so strong in the Parliament, as to over-balance the King's; which ought not to be, because it would endanger Monarchy. If a Man were desperately sick of some Disease only curable by one Remedy, and that should be denied him, what should he do, but send for his Confessor, and prepare for Death? And so I think must we. And yet I cannot admire at this Message of His Majesty, but rather, considering whose Advice he takes, should have admired if he had sent any other. I hope we shall be as wise as the Frogs, who when Jupiter gave them a Stork for their King, did not appear well pleased therewith: To accept of Expedients to secure the Protestant Religion, after such a King hath mounted the Throne, would be as strange as if there were a Lion in the Lobby, and we should vote, that we would rather secure ourselves by letting him in and chaining him, than by keeping him out. This Nation hath formerly had some Reputation for Wisdom and Prudence, and done much, as well in making of good Laws, as in keeping 'em. Pray, Sir, let us not at one Blow, or by one Omission, destroy all those Laws, which our Forefathers obtained with so much Industry: I hope the King will in time see who are his best Counsellors, we that aim at the Preservation of the present Government in Church and State, or those private Cabals which aim at Alterations; and that he will hearken to us ere long: That so he may live with more Content and Glory, and his People, without such Fears and Jealousies as now disturb them. Which cannot be, without the Exclusion Bill; and therefore I agree in the Votes that have been moved.

' Mr. Speaker, Sir, I cannot but observe, that most of L. Gower. the Arguments used against this Bill are the same which Coleman made the Grounds of his Declaration, that so, if possible, he might have pre-possess'd the People against the fear of Popery or a Popish Successor. First, He saith, that the Pretences which that Parliament made of the Protestant Religion being in Danger of Popery was without Cause, because there was no Disturbance given by any of that Community. Secondly, That the Parliament's bold Endeavours, to have restrained the Succession of the Crown to certain Qualifications, would have made the Crown elective.

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tive. Thirdly, That therein they would have out-done the Popish Doctrine, that Heresy incapacitates Kings to reign; which was a new Way of securing Religion by destroying it. Fourthly, That the good Church of England had taught their People to be obedient to their Prince, let his Religion or Deportment be what it will. Also I find, that the same Endeavours which are now used to foment Fears and Jealousies in the People, as to Forty-one, the Danger of the Church and Government, and of Parliaments, are but copied out of that Declaration. He there declares, that the Parliament was dissolved, because they had Designs to blemish the good Protestant Church, and to prevent the sowing mischievous Tares in the wholesome Field of the Church of England, and to preserve the unspotted Spouse of our Blessed Saviour, from the ill effect of some Designs that were like to be introduced by Parliament. I will not make any Annotations upon this which I have repeated, but by it I conclude, that the Papists are very willing we should imbibe these Opinions, and that therefore they may probably conduce to the carrying on of their Designs. I could wish His Majesty would order that Declaration to be read in Churches once a Year, that so all the People, but especially the Clergy, may know what excellent Pretences the Papists can make of taking care of the Protestant Church, and how vigilant they are for that end, especially to prevent that it may not be injured by the Parliament; nor by altering the Succession. That Declaration is to me a great Confirmation of what hath been said of the Influence of that Party in the Management of Affairs; for it is not likely that Coleman would have drawn it, but that he knew how to have juggled it into the Council, as if it had been drawn by some good Protestant, that so it might have been made public, if that Parliament had been then dissolved.

But, Sir, though by God's Providence we had all these Discoveries, yet I see no Probability of obtaining any Security against this Party. I am of Opinion with that worthy Member that spoke last, that the King's Speeches and Messages are plain against making of any Laws to prevent the Duke's coming to the Crown, and can only be understood in favour of Laws that may tend to securing the Protestant Religion under a Popish King; which, I think, none can do, unless such Laws, as will endanger Monarchy itself; which will not be fit for this House to propose, or the King to grant. For without securing the Militia, and Commands of Fleets and Armies, the Nomination of Privy Counsellors, great Officers of State, Judges, Justices, Sheriffs, as well as the Nomination of Bishops, and

and Preferments of the Clergy, in the Power of some Society of Men, it will be impossible to secure our Religion against that Omnipotency which accompanies a Crown, if the Prince that wears it be resolved to assist this powerful Faction. Therefore, Sir, we must either give up our Religion as lost, or obtain this Bill in order to it. I am for the Vote that hath been proposed.

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Mr. Speaker, Sir, it is impossible we should remove the imminent Dangers impendent on this Nation, unless we can prevail with the King to forbear taking Advice with private Cabals; and instead thereof, to be advised by his Privy Council, and Parliaments. This indeed is the great Dispute that is now afoot; and unless we can prevail herein, all that we are about signifies nothing. And therefore, I think, we may do well to be plain in this with the King; and as we must not be afraid of giving him such Advice as is for his Advantage, so neither of giving him Assurances of our readiness to supply him with Money, and what else he may need, that so he may know we are as willing to trust him, as we are desirous he should be to trust us. For unless there can be a mutual Confidence created between the King and his People, that so they may freely, heartily, and without any Suspicion trust one the other, it is impossible that this Nation can ever be happy, but must either languish, as if it were in a Consumption, or strike into a Fever. The King being a Protestant, and for the Protestant Religion, the Duke being a Papist, and for the Popish Religion, are Interests irreconcilable, and have already given a great deal of Care and Trouble to the King. And I am afraid, that those who promote the Duke's Interest, are more for the Advantage of a Popish Successor, than of the present Protestant King. Which Mischiefs can never be removed as long as there is such a Successor. And therefore I am for the Votes that have been proposed.

Sir R.

Resolved, That it is the Opinion of this House, that there is no security nor safety for the Protestant Religion, the King's Life, or Government of this Nation, without passing a Bill, for disabling James Duke of York to inherit the Imperial Crown of this Realm, and Dominions, and Territories thereunto belonging; and to rely upon any other Means and Remedies without such a Bill, is not only insufficient, but dangerous.

Resolutions against the D. of York.

Resolved, That His Majesty, in his last Message, having assured this House of his readiness to concur in all other Means for the Preservation of the Protestant Religion, this House doth declare, that until a Bill be likewise passed for excluding the Duke of York, this House cannot give any Supply to His Majesty, without Danger to His Majesty's Person,

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Person, extreme Hazard of the Protestant Religion, and Unfaithfulness to those by whom this House is entrusted.

Resolved, That all Persons who advis'd His Majesty, in his last Message to this House, to persist in his Opinion against the Bill for excluding the Duke of York, have given pernicious Counsels to His Majesty, and are Promoters of Popery, and Enemies to the King and Kingdom.

After this, several Persons being named for giving ill Advice to His Majesty, and Motions seconded with Arguments, that Addresses might be made, grounded on common Fame, for their removal; the House entred into a long Debate, touching the meaning of common Fame, the Usage, Custom, and Consequences of such Addresses in reference to the Government; and it did appear, that it was an ancient Right, and constant Practice of the Commons assembled in Parliament, to make Addresses to the King, grounded on common Fame, or moral Certainty, for removal of such Counsellors or Officers, as they thought were pernicious to the Government. And that it was the only way to reach great Ministers of State that gave evil Counsel, and to secure the Government against the Dangers arising from such, who would otherways, by giving Advice to the King in private, be secure against all manner of Proceedings against them, and so the Government might be ruined without any Remedy; that there was now as great occasion as ever in former Times, of making use of this only Remedy, the Influence of Popish Counsels having reduced the Nation, not only to the Mercy of the Popish Party at home, but of a foreign Nation; the Dangers whereof could never be prevented, but by establishing such a mutual Confidence between the King and his People, as might give Encouragement for the raising of a considerable Sum of Money to be employed for that End; which was never like to be done, until there were about the King's Person, and in Places of Trust and Power, Persons more inclined to the Interest of the King and Protestant Religion, and less to that of the Duke and Popery. Because the same Jealousies which this Parliament had, (unless the Cause were removed) would probably be also an Impediment with the next; that there could be no Security, it would be employed for that End, as long as the Duke's Party were so powerful: And that the giving of Money, as long as Things stand thus, would be a great Encouragement to that Party to go on with their Plot against the King's Life. But this Debate being after Candle-light, could not be taken: The Result was, that several Addresses were voted against George Earl of Hallifax, Laurence Hyde Esq; Henry Marquis of Worcester, Henry Earl of Clarendon, and Lewis Earl of Feverham.

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A.C.

After which, the House entered into a Debate of the great Charge the Kingdom was at, by Interest and advance Money paid, to Goldsmiths and others. And after many Arguments, making out, that by Parliaments the King might be supplied, as well with the Love of his People; as with Money for the necessary Support of the Government, and other Occasions; and that this Parliament had by several Addresses declar'd themselves ready to do it, upon passing of such Bills as were precisely necessary for the Security of the Protestant Religion, and that all other ways of supplying the King's Occasions; but what were granted in Parliament, did not only tend to the keeping off Parliaments, and to the exhausting of the public Treasury, by contracting Debts, but were of dangerous Consequence to the King and Kingdom; because the Government might be undermined thereby.

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Resolved, That whoever shall hereafter lend or cause to be lent, by way of Advance, any Money upon the Branches of the King's Revenue arising by Custom, Excise, or Hearth-Money, shall be judged a Hinderer of the sitting of Parliaments, and be responsible for the same in Parliament.

Resolutions against such as shall lend Money to the Crown.

Resolved, That whosoever shall accept or buy any Tally, or Anticipation upon any part of the King's Revenue; or whoever shall pay such Tally hereafter to be struck, shall be adjudged to hinder the sitting of Parliaments, and be responsible therefore in Parliament.

Jan. 10. *Resolved*, That whoever advis'd His Majesty to prorogue this Parliament, to no other purpose than to prevent the passing a Bill for the Exclusion of James Duke of York, is a Betrayal of the King, the Protestant Religion, and of the Kingdom of England; a Promoter of the French Interest, and a Pensioner to France.

Farther Resolutions.

That the Thanks of this House be given to the City of London, for their manifest Loyalty to the King, their late Charge of Vigilancy for the Preservation of His Majesty's Person, and of the Protestant Religion.

That the Commissioners of the Customs and other Officers of the Custom-House, have wilfully broken the Law prohibiting the Importation of French Wines, and other Commodities: And that if they shall hereafter, wilfully or negligently break that Law, they shall be question'd therefore in Parliament.

That it is the Opinion of this House, that James Duke of Monmouth hath been removed from his Offices and Commands, by the Influence of the Duke of York.

That an humble Application be made to His Majesty by this House, by such Members thereof, as are of His Majesty's most Honourable Privy Council, to restore the said James Duke of Monmouth to his Offices and Commands.

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That it is the opinion of this House, that the Presentation of the Protestant Dissenters upon the Penal Laws is at this time grievous to the Subject, and a weakening to the Protestant Interest, and an Encouragement to Popery, and dangerous to the Peace of this Kingdom.

The same day the King came to the House of Peers, and sign'd two Acts, for the burying in Woollen, and prohibiting the Importation of Irish Cattle, and prorogu'd the Parliament to the 20th of January; but dissolv'd it on the 18th, leaving 22 Bills depending, and 8 more that were ordered to be brought in, but never came to be debated.

London Petition.

The Prorogation of the last Parliament being attended with some very extraordinary Consequences, we cannot avoid laying some of the principal before our Readers, as the most proper Introduction to the Meeting of the next; viz. January the 13th, the Lord-Mayor of London Sir Patience Ward, with a Court of Common-Council, order'd a Petition to be drawn up, and presented to the King, setting forth, ' That whereas the Parliament had convicted one of the five Popish Lords in the Tower, and were about to convict the other four of High-Treason; that they had impeach'd the Chief-Justice Scroggs, and were about to impeach other Judges; and all this in order to the Preservation of his Majesty's Life, the Protestant Religion, and the Government of England: That they were extremely surpriz'd to see the Parliament prorogu'd in the Height of their Business: That their only Hopes were, that this was done only in order to bring such Affairs about again as were necessary to the settling the Nation. They therefore pray'd, that his Majesty would be pleas'd to let the Parliament sit at the Day appointed, and to continue till they had effected all the great Affairs before them.' To this effect was the Petition, which was further order'd to be deliver'd that Night, or as soon as might be, by the Lord-Mayor, attended by the new Recorder George Treby, Esquire, and certain Members of the Court of Aldermen, and Common-Council. But this farther provok'd the King, and hastened his Resolution of finally parting with his Parliament. Accordingly, two Days before the Time of their Meeting, he by Proclamation dissolv'd the present Parliament: And in the same Proclamation, he declared his Intentions of calling another Parliament to meet on the 21st Day of March next. But being offended at the City of London, and hoping to meet with better Success by a Removal, he appointed Oxford to be the Place of their Meeting, where he had formerly, in the Year 1665, found the most imaginable Harmony in and between both Houses.

The Dissolution
of the Fourth
Parliament.

New Write.

When

When the Elections came on, the Temper of the Nation was soon discover'd by their Choice; both Parties were extremely busy; and the City of London set the first Example to the rest of the Kingdom by returning their old Members Clayton, Player, Pilkington and Love; to whom, as soon as the Election was over, an extraordinary Paper was presented in the Name of the Citizens of London then assembled in Common-Hall, containing, 'A Return of their most hearty Thanks for their faithful and unwearied Endeavours, in the two last Parliaments, to search into and discover the Depth of the Popish Plot, to preserve his Majesty's Royal Person, the Protestant Religion, and the well-establish'd Government of this Realm, to secure the Meeting and Sitting of frequent Parliaments, to assert our undoubted Rights of petitioning, and to punish such as have betray'd those Rights, to promote the long wish'd-for Union of his Majesty's Protestant Subjects, to repeal the thirty-fifth of Elizabeth, and the Corporation-Act; and more especially for their assiduous Endeavours in promoting the Bill of Exclusion of James Duke of York.' In fine, they concluded, 'That being confidently assur'd, that they, the said Members for the City, will never consent to the Granting any Money-Supply, till they have effectually secured them against Popery and Arbitrary Power, they resolv'd, by God's Assistance, to stand by their said Members, with their Lives and Fortunes.' In the like manner were the former Members of Parliament again chosen, in most Places in the Kingdom; and in many, such like Papers of Addresses presented were to them, in their respective Countries, as had been done to their Members by the Commonality of London. And the Zeal was now so great, that, contrary to the Custom of the Members treating the Country; now the Country in most Places treated them, or at least every Man bore his own Charges.

The greatest Uneasiness and Disappointment to the prevailing Party in the Elections, was the Place of their Meeting, Oxford, the Distance of which might naturally cause a Diminution of their Power and Influence. Therefore it was resolv'd by several of the Nobility to draw up a formal Petition against that Place; which was early deliver'd to the King by the Earl of Essex himself, who introduc'd it by this following Speech: 'May it please your Majesty, The Lords here present, together with divers other Peers of the Realm, taking notice that by your late Proclamation, your Majesty had declar'd an Intention of calling a Parliament at Oxford; and observing from History and Records; how unfortunate many Assemblies have been, when call'd at a Place remote from the Capital City; as particularly the Congress in Henry the Second's Time at Clarendon; Three several Parliaments

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London Instructions to their Members.

The Earl of Essex's Speech to the King.

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my part, to give that general Satisfaction and Security which, by the Blessing of God, may be attain'd, if You, on your Parts, bring suitable Dispositions towards it: And that the just Care you ought to have of Religion, be not so manag'd and improv'd into unnecessary Fears, as may be made a Pretence for changing the Foundation of the Government. I hope the Example of the ill Success of former Heats, will dispose you to a better Temper; and not so much inveigh against what is past, as to consider what is best to be done in the present Conjuncture. The farther Prosecution of the Plot; the Trial of the Lords in the Tower; the providing a more speedy Conviction of Recusants; and, if it be practicable, the ridding ourselves quite of that Party, that have any considerable Authority or Interest amongst them, are things, tho' of the highest Importance, that hardly need to be recommended to you, they are so obvious to every Man's Consideration, and so necessary for our Security. But I must needs desire you, not to lay so much Weight upon any one Expedient against Popery, as to determine that all others are ineffectual: And, among all your Cares for Religion, remember, that without the Safety and Dignity of the Monarchy, neither Religion nor Property can be preserv'd.

What I have formerly, and so often declared touching the Succession, I cannot depart from. But to remove all reasonable Fears that may arise from the Possibility of a Popish Successor's coming to the Crown; if means can be found, that in such a Case the Administration of the Government may remain in Protestants Hands, I shall be ready to hearken to any such Expedient, by which the Religion might be preserv'd, and the Monarchy not destroy'd. I must therefore earnestly recommend to you, to provide for the Religion and Government together, with regard to one another, because they support each other: And let us be united at Home, that we may recover the Esteem and Consideration we us'd to have Abroad. I conclude with this one Advice to You, That the Rules and Measures of all your Votes may be the known and establish'd Laws of the Land; which neither can, nor ought to be departed from, nor chang'd, but by Act of Parliament: And I may the more reasonably require, That you make the Laws of the Land your Rule, because, I am resolv'd they shall be mine.

Upon finishing this Speech, the Lord-Chancellor, by his Majesty's Command, directed the Commons to return to their House, and to chuse a Speaker. Which they accordingly did, unanimously electing William Williams of Gray's-Inn Esquire, Counsellor at Law, and Recorder of Chester; who had been Speaker in the last Parliament. When the Commons

Commons. presented him to his Majesty, on Tuesday the 22d of March, he made this Speech to the King: Anno 13th Car. II.
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‘ May it please your Majesty, The Knights, Citizens and Burgeſſes in Parliament aſſembled, with Duty and Loyalty agreeable to themſelves and the Perſons whom they repreſent, have in Obedience to your Royal Pleaſure, for the Diſpoſing of themſelves in that great Aſſembly for your Ma- jeſty’s Service, conſider’d of a Speaker; and, to manifeſt to your Ma- jeſty, and the World, *That they are not inclinable to Changes,* have with one Voice elected Me their Speaker, having had the Honour to ſerve your Ma- jeſty and the Com- mons in that Truſt, in the laſt Parliament. With all Hu- mility I preſume again, by their Commands, to ſtand before your Ma- jeſty, to receive your Pleaſure, with a Head and Heart full of Loyalty to your Sacred Perſon; arm’d with a ſettled Reſolution, never to depart from your well-known, ancient and eſtabliſh’d Government.’

The Speaker's
Speeches to the
King.

Tho’ the King was not pleas’d with the Speech, he thought fit by the Lord-Chancellor to approve of the Election, in the uſual Form. Upon which the new Speaker made this farther Speech: ‘ Moſt gracious Sovereign, Natural Allegiance commands Loyalty to your Ma- jeſty from every Subject. Your ſingular Grace and Favour to Me, in the laſt Parliament, continu’d by the Honour I have in this, add more than Dutifulneſs and Obedience to my Loyalty. I am ſet in the firſt Station of your Commons for Truſt and Quality; an high and ſlippery Place! It requires a ſteddy Head, and a well-poiſ’d Body in him that will ſtand firm there. Uprightneſs is the ſafe Poſture, and beſt Policy, and ſhall be mine in this Place, guarded with this Opinion, That your Ma- jeſty’s Service in this Truſt, is one and the ſame with the Service of your Commons, and that they are no more to be divided than your Crown and Sceptre. They truly ſerve the Crown and Country, which ſhall be my Care and Induſtry, who make the Safety of your Sacred Perſon, the Defence and Security of the Proteſtant Religion, the Support of your Ma- jeſty’s Government, the Maintenance of the Laws, and Preſervation of the ancient Conſtitutions of Parliament, one and the ſame undivided Inter-eſt, one and the ſame Safety, one and the ſame inſeparable Security for yourſelf and People: Theſe are the Deſires of all good Men, but muſt be the Effects of Good Councils. For the Enabling of your Ma- jeſty’s Great Council now in Parli- ament aſſembled, to compleat this bleſſed Eſtabliſhment, with all Humility I addreſs to your Ma- jeſty, in the Name and on the Behalf of the Commons in Parliament; 1. That We and our Servants may be free in our Perſons and Eſtates, from Arreſts, and other Diſturbances. 2. That in our Debates,

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3. That, as Occasion shall require, your Majesty will vouchsafe us Access to your Royal Person. I take leave to join this humble Petition for myself, That nothing by me, in Weakness, or through Inadvertency, said or done, may turn to the Prejudice of the Commons; and that my Behaviour and Proceedings may receive a benign and favourable Interpretation with your Gracious Majesty.

The Chancellor's Speech to him.

Upon this, the Lord-Chancellor, by Command from his Majesty, made this Return to the Speaker: ' Mr. Speaker, All your Petitions are fully and freely granted by his Majesty, in as large and ample a manner, as ever any House of Commons yet enjoy'd them; The King is very sure, the Wisdom of this House of Commons will make as prudent an Use of them, as any of your Ancestors ever did. Your own particular Petition is grateful to the King too; because he knows you will be as careful to avoid Mistakes, as his Majesty is ready to forgive them. And now, Mr. Speaker, these Preliminaries being thus over, the King desires you would hasten to the rest that are necessary to be dispatch'd, before we can enter into Business; that so we may husband Time, which is now more necessary than ever; and he hopes that this Parliament will come to a very happy and prosperous Conclusion: And that it may do so, God Almighty direct and prosper all your Consultations.'

Tho' the Speaker had not the good Fortune to please the King, on this Occasion; he was order'd the Thanks of the House, and desired to print his Speech.

Debate on printing the Votes.

Sir J. Hartop.

' Mr. Speaker, What I am about to move, concerns us all. The last Parliament, when you was moved to print our Votes, thought it was for the Security of the Nation, and you found it so. It prevented ill Representations of us to the World, by false Copies of our Votes, and none doubted your Honour in the Care of it. And I am confident that this House will be no more ashamed of their Actions, than the last was. Printing our Votes will be for the Honour of the King, and the Safety of the Nation. I am confident, if it had been necessary, you would have had Petitions from the Parts I come from, that your Actions might be made public. As I came hither, every body almost that I met upon the Road, cried, God bless you in what you are going about. I move therefore, that your Votes may be ordered forthwith to be printed, with the rest of your Proceedings; and I shall only add, that yourself has done so well in taking that Care upon you the last Parliament, that the House will desire you to continue them in the same Method.'

Sir W. Cowper.

' That which put me upon moving the printing your Votes the last Parliament, was false Copies that went about in

in former Parliaments, of the Votes and Transactions of the Anno 33 Car. II.
House. Let Men think what they please, the Weight of England is the People; and the more they know, the heavier will it be; and I could wish some would be so wise as to consider, that this weight hath sunk ill Ministers of State (almost) in all Ages; and I do not in the least doubt, but it will do so to those who are the Enemies of our Religion and Liberties. And the World will find the honest Commons of England will sink Popery at last, therefore I second the Motion.

'I beg pardon if I consent not to the Motion of Printing the Votes, &c. consider the Gravity of this Assembly. There is no great Assembly in Christendom does it. 'Tis against the Gravity of this Assembly, and 'tis a sort of Appeal to the People. 'Tis against your Gravity, and I am against it.

Secretary
Jenkins.

'If you had been a Privy-Council, then 'twere fit what you do should be kept secret. Your Journal Books are open, and Copies of your Votes in every Coffee-House; and if you print them not, half Votes will be dispersed to your prejudice. This printing, &c. is like plain English-men, who are not ashamed of what they do; and the People whom you represent, will have a true account of what you do; you may prevent the publishing what parts of the Transactions you please, and print the rest.'

H. Boscawen.

'I find that those who write out Votes and Transactions, and send them all England over, are favoured; and I believe no Gentleman in the House will be against printing them but the Secretary. I hope you will not have reason to be ashamed of what you do, therefore I am for printing, &c.'

L. Gower.

'By experience we have found, that when former Parliaments have been prorogued or dissolved, they have been sent away with a Declaration against their Proceedings. If our Actions be naught, let the World judge of them; if they be good, let them have their Virtue. 'Tis fit that all Christendom should have notice of what you do, and Posterity what you have done, and I hope they will do as you do, therefore I am for printing, &c.'

Colonel M.

'What has been said by the Secretary, is a single Opinion, (for he says, that printing the Votes is an Appeal to the People) I hope the House will take notice, that printing the Votes is not against Law. But pray who sent us hither? The Privy-Council is constituted by the King, but the House of Commons is by the choice of the People. I think it not natural nor rational, that the People who sent us hither, should not be informed of our Actions. In the long Parliament it was a Trade amongst Clerks to write the Votes and disperse them, and they were questioned for it there; but 'twas then said by a learned Gentleman, that 'twas no Offence to

Sir F. W. 166-

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inform the People of the Votes of Parliament, the Journal-Books being open, and the People ought to have notice of them. The long Parliament were wise in their Generation, to conceal many things they did from the People, and yet the Clerk was sent away, (who dispersed the Votes) and had nothing done to him. The Popish Party dread nothing more than Printing what you do; and I dread a man in the Secretary's post, and such an Accusation as was upon him in the last Parliament, that he should hold such a Position, That printing the Votes is an Appeal to the People.

Resolved, That the Votes and Proceedings of this House be printed.

A Motion was made to enquire why the Bill for Repeal of 35 El. &c. which had passed both Houses, was not presented with the rest for the Royal Assent.

Debate on the
Miscarriage of
a Bill for Re-
peal of 35 El.
&c.

R. Hampden.

'I think the Motion, is to enquire after the slipping of that Act the last Parliament, and not presenting it for the Royal Assent. For my own part, I look upon it as a Breach of the Constitution of the Government. We are told, that we are Republicans, and would change the Government: but such as are about to do so, 'tis a natural fear in them to be thought so, and they will cast it upon others. In a croud 'tis frequent for Pickpockets to cry out, Gentlemen, have a care of your Pockets, that they may more securely do it themselves, and have the less suspicion upon them. I will not offer this great thing to the consideration to-day, but move you to adjourn it till to-morrow

Sir F. Win-
nington.

'I shall humbly put in this word: I doubt this matter will be too big to be debated to-day; 'tis of great importance, and will not be forgotten; be pleased to adjourn the Debate, &c.'

Sir N. Carew.

'I humbly move, that for the preservation of the Protestant Religion, and the King's Person, a Bill be brought in to prevent a Popish Successor, and in particular against James Duke of York, the same Bill which past the last Parliament.'

Secretary Jen-
kins.

'You are upon rising, and I shall not detain you long. I must give my Negative to this Motion, and my reason why I do so, is, because the King hath declared in his Speech, that as to the point of altering the Succession, he cannot depart from what he has so often declared. The King has given his Vote against it, and therefore I must do so too.'

L. Gower.

'The Duke of York is in Scotland, and I hope the King will come up to what he has said in his Speech. My Liberty and Property is dear to me, and I'll support the King's Prerogative too; and I hope we shall remove those People, Briers and Thorns who scratch you in your intentions against Popery, which I see we cannot prevent without this Bill to exclude the D. &c. And therefore I am for it.'

' I

‘ I am heartily glad to find that the Zeal of the House still continues for the Preservation of the Protestant Religion. My Opinion is, that we cannot preserve the Protestant Religion with a Popish Successor to the Crown, no more than Water can be kept cold in the Hot-pot; but I would do it in all the decent Ways to come at it. The King recommends to you in his Speech, to look back to what he formerly said as to the Succession, &c. If there be no other way to prevent Popery, but a Bill to exclude the Duke, &c. from the Succession, &c. my Opinion is, that it will be more decent to our Prince, and better for those who sent us hither, that before the Bill be brought in, to give it the Honour of a Day, to consider of Expedients to save Religion under a Popish Successor; for that I shall expect from some honourable Person: But if none come, then you may proceed to this Bill with more Honour. Therefore I move to appoint a Day to consider of it.’

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Col. Birch.

‘ I should not have troubled you, but from what was spoke last. By all Means just and lawful, we are to secure our Religion and Properties: We see the great Attempts made upon us from Rome, and we must do something for our farther security. I will not speak of the former Bill of excluding the Duke, &c. nor of the King’s Speech; that gives you Latitude for Expedients; and I would not offer any, if I thought they would not do as well as that Bill, which is but an Expedient. But because the King has declared against that Bill, and invited you to Expedients, I would not put that Bill any more to the hazard of Rejection, but think of some Expedients.

Sir J. Ernley.

‘ I can see no Expedient to save Religion, and preserve the King’s Person, but the Bill to exclude the Duke, &c. All Gentlemen I believe would be willing as to the Manner, and save the Matter: But when our Prince is encompassed (all) with the Duke’s Creatures, the Duke’s safety is because of their Dependencies: The Danger is not from Popery, but from the King’s being encompassed with the Duke’s Creatures. I would proceed in this Matter with all decency; and since a Day is moved for, pray let’s have Time to consider.’

W. Harbord.

‘ You are invited by the King’s Gracious Motion to consider how to preserve Religion, &c. I desire we may not now put a Question for bringing in a Bill to seclude the Duke, &c. else properly we cannot consider any Expedients for preservation of Religion.’

Sir C. Musgrave.

‘ The consideration of the preservation of the Protestant Religion, is of that weight, that though we have shewed our Zeal to it, yet I would not run upon a thing of this great Nature, without Consideration. They who advised the King’s Speech, must answer for it. The Words of the

B. Whorwode.

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Speech are, If any other way can be found out, &c. I think those about the King have done enough to ruin Him and Us; But I would have the King see we are so far from putting him upon that Stress, that we would help him out. I think that Speech the King read to us, to have nothing of the King's in it: He is a better Man, and a better Protestant than to do it of Himself: Therefore I would not put on a Resolution as flat and as short as that is in the King's Speech. The King has gone as far as this Resolution in his Speech comes to, in his Declaration about Dissenters formerly; and yet from the Reasons from hence, he was persuaded to revoke it. If Persons have been so prevalent as to put the King upon this Speech, let me see those Persons so forward to bring the King into a thing, to help him out; if they do not, I hope the King will lay the Blame at their Door, and not at ours. If they could have told us what Expedients were necessary, they would have put them into the King's Speech, and the Resolution-part of not altering the Succession would have been left out. A little Consideration in this great Matter, can do us no hurt, and will satisfy the People without Doors: But if they about the King can find out no Expedient, I hope he will lay them aside, and take their Council no more. Put not off this Consideration farther than Saturday; and if they can find us out an Expedient betwixt this and then, 'tis very well.'

H. Powle.

'I have always observed, that the most deliberate Proceedings have had the best Success here, and the best Reputation abroad. I am as willing as any Man to come to this moved for, but with deliberate Steps. For my share, though I hear of Expedients abroad, yet I cannot conceive that a Title or Name can destroy the Nature of Expedients. But the King in his Speech has held you out a Handle. And I would not give those about the King occasion to say, that this House is running into a Breach with him. I would pay the King all the Respect in the World, and you cannot avoid setting a-part a time to consider Expedients: And I would not mix any thing with the Debate that Day. I think To-morrow is too soon to debate it: I shall propose Saturday for that Consideration, and then let us do what is fit in so weighty a Matter.'

R. Hampden.

'This is a Matter of great weight, and I would adjourn it to To-morrow. For the Reason of proposing Expedients, I do not move to adjourn for that; for it is as little Reason to me to expect any, as it was the last Parliament. That Parliament gave Reasons why no Expedients could be of any effect, but this Bill of Exclusion; and that Parliament saw enough of Expedients. There are a great many talked of abroad in the Streets, and won't you hear Expedients? What can

Can a Man say less with any Modesty? But no Man can say *Amo 33 Car. II. 1681.*
but we are in danger of losing our Religion, if the Duke should come to the Crown. But the Question before you is, whether you'll put off this Debate? Therefore I move that the House will take into Debate the Security of the Protestant Religion to-morrow.

' All that I shall propose, is, that you would so word the Question as to have no Diminution to the Motion made for the Bill, &c. upon your Books, nor Prejudice, nor Reflection. When this Bill past the last Parliament, it was Nemine Contradicente; and most of this Parliament were of the last. For Expedients, 'tis a word mightily used and talked of, and willingly embraced, but none have been proposed. Let this Matter be reassumed on Saturday Morning, and so taken into Consideration to secure the Protestant Religion; and not to let appear upon your Books any thing relating to Expedients, or preventing a Popish Successor.

' I was much surprized at the King's Speech, considering J. Trenchard, your weighty Reasons for the Bill, &c. the last Parliament; and that the Lords found out no Expedients for preservation of Religion, and yet threw out the Bill. But that the King may see, that what we do, is out of a real Sense of the Danger we are in from a Popish Successor, and not in contradiction to him; and when nothing is found out to save us, we may justify our selves in what we do; I am for adjourning the Debate.

Resolved, That this House will To-morrow take into Consideration by what Means the said Bill miscarried.

Friday, March 25. 1681. Thanks moved for free Choice of Members.

' When there has been a general Corruption, and all have not done their Duty, you should distinguish and give Thanks to them that have; as formerly you have done to Officers for doing their Duty in suppression of Popery, when through the Corruption of the Times, some have not done their Duty. Nothing is more Parliamentary than to return Thanks to those who have freely and without Expence chosen you Members; and I desire that the Members so elected, may be ordered to send their Thanks to those who chose them. And the House passed a Vote accordingly.

The loss of the Bill for Repeal of 35 Eliz. moved.

' This Matter deserves material Consideration, whether in respect of the loss of the Bill, or the shaking of the very Constitution of Parliament. The Bill that is lost is of great Moment, and of great Service to the Country, and perhaps to their Lives in the time of a Popish Successor. Those Men that hindered the passing that Bill, had a Prospect of that; and if it be sent up again, we are like to meet with great

Debate on the
Loss of the Bill
renewed.
Sir W. Jon.

J. Stratford,

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great Opposition. But be the Bill what it will, the Precedent is of the highest Consequence: The King has his Negative to all Bills; but I never knew that the Clerk of the Parliament had a Negative, if he laid it aside or not. But consider, if we send up many good Bills, if this be not searched into, we may be deprived of them. No Man that knows Law or History, but can tell that to Bills Grateful and Popular, the King gives his Consent to them.—— But if this way be found out, that Bill should be thrown by, it may be hereafter said, they were forgot and laid by, and so we shall never know whether the King would pass them or no. If this be suffered, 'tis in vain to spend time here; and 'twill be a great Matter to find time to redress it. I move therefore, that a Message be sent to the Lords for a Conference, that some way may be found out to give us Satisfaction in this great Matter.

H. Boscawen.

‘I do concur with the Gentleman who spoke last, that Parliaments are prorogued and dissolved by the King; and now here is a new Way found out to frustrate Bills. The King cannot take one part of a Bill, and reject another, but gives a direct Answer to the whole. But to avoid that, this Bill was never presented to the King, a thing never done before. I desire we may send to the Lords for a Conference to represent this Innovation, and that a Committee be appointed to draw up Reasons for the Managers.’

W. Garraway.

‘I was a Friend to this Bill, and I agree in all things concerning the weight of it. The laying this Bill aside, is such a Breach of the Constitution of Parliament, that 'tis in vain to pass any Bill, if this Miscarriage be not searched into. By the Constitution of Parliaments, all Bills but Money-bills, after they are past both Houses, are deposited in the Lords Hands; and 'tis below you to look after the Clerks for this Bill. If the Lords give you no Answer for the loss of this Bill, that is satisfactory; I would then send to them to know a Reason why the Bill was not rendered to His Majesty with the other Bills.’

Sir R. How.

‘I would have you search the Lords Journals, and if you find no Account of the Bill there, then 'twill be time for us to go to the Lords to require Satisfaction.’

Sir R. Temple.

‘I have not much to offer you, but I fully concur in the Weight and Consequence of this Matter, and you are to take all the Care you can to secure it for the future. Never any thing of this Nature was done before, but the Bill for Observation of the Lord's Day in the late long Parliament. 'Twas left upon the Table at a Conference, and stolen away. But 'tis not proper (I conceive) to take notice of this in a Message to the Lords, because the Miscarriage of this Bill was in another Parliament. The Matter must go upon a de-

fire

“fire of a Conference with the Lords, concerning the Rights and Privileges of both Houses of Parliament; and then you may appoint a Committee to inform you of the Progress of this Matter.” Anno 33 Car. II.
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“ I think the passing over the Enquiry after the Loss of the Bill of the Sabbath, in the late long Parliament, was the great Occasion of the Loss of this. Consider how many Interruptions Parliaments have had of late in the greatest Business, by Prorogations and Dissolutions; and another Way to gratify your Enemies; is to stifle your Laws, when they have a mind the People should have no Benefit of them, though they have passed both Houses. Therefore I move, &c. *ut ante.*” E. Vaughan.

“ I differ only as to the Words. I agree to a Conference, but no more to be said, than to know what’s become of the Bill; for the Lords are the Depositors of all Bills but Money. Without any other Words, I would send to the Lords for a Conference to know what’s become of the Bill. I know but of three Negatives, but by this Proceeding here is a fourth Negative, which may destroy the Government.” Sir H. Capel.

“ Tis the best Way in this matter to observe old Methods; and the best Method to know the Lords Minds, is by Conference. I remember in the late long Parliament, the Lords sent to us for a Conference, and, at it, told the Roof of our House was falling on our Heads; but they sent us not a Message of the Danger we were in by the falling of the Roof, but desired a Conference about a Matter of great Consequence. Therefore I would now send to the Lords for a Conference of Matters relating to the Nation.” S. Titus.

“ I would say this, We desire a Conference with the Lords concerning the Constitution of Parliaments in Matters relating to passing of Bills.” R. Hampden.

“ This is a thing of as high Weight as we can confer upon. Therefore I would not do less than in a Thing of lesser Moment. Let a Committee meet, and then agree of the Subject Matter; till then you know not what to say at the Conference, and ’twill be Monday at the soonest before you can do it. I shall offer another thing at the Conference; I would offer the Lords the Consequence of this way of Proceeding, and to desire the Lords to put the Thing into a Way of Examination, that the Complices may be fit for Punishment. And at the same Conference, would desire a Committee of both Houses to consider where the Miscarriage lay.” Sir T. Littleton.

Danby’s Case Reported, &c. The Account of Fitzharris, and the Libel read, &c. Tryby’s Examination, &c.

“ I humbly move, Fitzharris’s Examination may be printed, for the World to see the devilish Conspiracies of the Papists.” Debate on Fitzharris’s Examination.

“ I Sir J. Hartop.

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Sir W. Jones.

Secretary Jen-
king.

Sir F. Winning-
ton.

Sir R. Clayton.

Secretary Jen-
kins.

Sir T. Littleton.

' I like the Motion for printing, nothing is in this Paper but what's fit to be printed. It fully makes out those Informations you have had before. And because we all know that since my Lord Stafford's Trial, People have been prevailed upon to believe the Plot not true, and this confirms Oats and Bedloe's Informations, I would have them printed, but not the libellous Paper which reflects upon the King.'

' I will not trouble you, but with that Part I had in this Affair. The Paper was read over to the King by Sir William Waller. Therefore according to the King's Command, I issued out a Warrant for apprehending Fitzharris, and Sir William Waller was to take care of the Execution of the Warrant.'

' This is a Matter of great Importance, and we ought to acquit ourselves in it like wise Men. We that come out of the Country, hear that that Treasonable Paper which has been read by Sir William Waller, was to have been sent to many Gentlemen, they to have been seized thereupon, as Traitors in the Conspiracy; and it may be this was that new Plot. All we have is at Stake, therefore, how long or short our sitting is like to be here (the Trooper Harrison said there would be other Guards at Oxford) let not our Courage lessen. This being our Case, let us go to the bottom of this business of Fitzharris. Therefore I move, he may be sent for, and impeached. We know by Experience, when once an Accusation is in Parliament on Record, and in the greatest Court of the Kingdom made known, Malefactors have not been cleared; and you have had Justice; therefore I would have care taken that this Man be impeached of High-Treason, and it may be, he will relent and tell you all.'

' When Fitzharris's Examination was taken at Newgate, he asked whether he had said enough to save his Life? I told him, I thought he had not dealt ingenuously, unless he would tell what Counsel he had for drawing and modelling the Paper; and I bid him be ingenuous in the whole Matter, and I would come and take his farther Examination. But the next Day, after he promised this, he was removed out of our reach into the Tower.' Impeachment Ordered.

'Twas then moved that Secretary Jenkins should carry up the Impeachment to the Lords.

' The sending me upon this Message, &c. reflects upon the King my Master; and do what you will with me, I will not go.' Many called, 'To the Bar, to the Bar!'

' I would not have said one Word, but that the very Being of Parliament is in the case; 'Tis to no end to sit here any longer if this be suffered. There can be no Ground, Reason or Thought, to bring the King in question, or Reflection

Reflection upon him in this Impeachment, or on the Secretary. Anno 33 Car. II.
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But for him to say, Do what you will with me, I will not go with the Impeachment, is what I never heard said in Parliament before. Let the Words which fell from him, be written down before he explain them, according to the Order of the House.

‘ I never heard such Words before, that the whole House of Commons should reflect upon the King, and that he will not obey your Order; let the Words be written down.’ Sir G. Hutcheson

‘ The House will be contemptible to the extreme Degree, if this be suffered. Such a thing as never was in Parliament before, that the whole House should reflect on the King, and for him to say, Do what you will, I will not go.’ J. Trenchard

‘ I said no such thing, that the House reflected on the King; but that I take it as a Reflection upon the King my Master.’ Sec. Jenkins

‘ His Words were, This had not been put upon me, but for the Character I bear.’ J. Trenchard

At last the Secretary's Words were thus stated: ‘ This Message is put upon me for the Character I bear. I value not my Life nor Liberty, do what you will, I will not go.’

‘ I say this is put upon me, to my Apprehension, for the Character I bear; and do what you will with me, I will not go.’ Sec. Jenkins

‘ I am sorry to see any Member behave himself at this rate. This Deportment confirms me in the opinion of the Design of some Men, to suppress the Honour of this House. There has been a Book written (which I hope in time will be enquired after) that the House of Commons sprang first out of Rebellion in Henry the Third's time. This goes on this Day in the same method. Let a Man be of what Quality he will, if he be too big to be your Member, he is not to be chosen. To scorn the Commands of the House, and to be too big to be a Messenger of the House of Commons; Secretaries are sent of Messages every day, and is he too big a Messenger to accuse a Person of the Popish Plot? His Words seem to import as if the King would not have the Prosecution of the Plot. If his be so, sit no longer here, but go home. His Character is great, and he may be privy to Things hid from us, by this extraordinary Carriage. Are we come to that pass, to be dealt withal, as none of our Predecessors ever were? If my Brother or Son dealt with the House thus, I would call him to account. For aught I see, he provokes the House more by his Explanation, therefore pray go on.’ Sir W. Jones

‘ I am as ready, and think myself as much obliged to obey the Commands of the House, as any Man here. The

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Sir H. Capel.

Office I have excludes me not from it; but the thing I stand upon is, that the Motion was carried on in Ridicule. I have an honour for this, and ever had for all Houses of Commons; but in this Message I must and will be excused.

‘ Ridicule is not a Word proper for a House of Commons; and what is appointed by this House, is done with all Gravity, especially where the Life of a Man is concerned. We are in an unfortunate Age, now Things come to more light than before, that it should be said that Impeachments strike at the King, that the Duke’s Bill, &c. is aimed at the King; I am sorry to hear it said here, as well as in other Places. This Employment he is put upon, is for the King’s Service, and he tells you it reflects upon the King. All is reversed, if what the Commons do, must be as if it reflected upon the King. I have all imaginable Respect to the King: But, Sir, we are in a Ship, and we have to do with the Master, and he with us. If this Gentleman would make any sort of excuse, I would willingly accept it; but he has not taken off his Crime, but rather aggravated it. If he has nothing farther to say, he must withdraw, and then you’ll have a Motion made for the Honour of the House.’

Sir T. M.
(perhaps Mom-
pesson.)

‘ I know no other difference in any Person here; if the Secretary said, I thought it reflected on the King, a Man may be mistaken in his Thoughts; and in case it be so, he would suffer any thing under that Reflection. He said it was his Thoughts that the carrying the Message was a Reflection upon the King, and in that case would suffer any thing, rather than a Reflection upon the King and his Character.’

Sir J. Ernley.

‘ ’Tis an ill thing to stumble at the Entrance; I hope the Secretary intended no Dis-service to the House, but on a Mistake: I did apprehend it, and some others, that it was in jest. But in jest or earnest, one ought to obey the Commands of the House; but every Man cannot subdue his own Heart. But I would know upon farther Consideration, whether the Secretary will undertake this Service or no. I am the worst Advocate in the World for any obstinate Person. But I humbly offer, whether the Gentleman will serve you or no before he withdraw.’

Ernley removed from his Place, and whispered with the Secretary.

Sec. Jenkins.

‘ Since the House is so favourable as to hear me, I shall only say, that I did apprehend sending me with the Message to the Lords, was a Reflection upon the King; if I did apprehend it a Reflection upon my Master, I could not but resent it. I am heartily sorry I have incurred the Displeasure

sure of of the House, and I hope they will pardon the Freedom of the Expression. I apprehend it a Reflection upon the King, and no other Consideration whatsoever induced me to say the Words.

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‘ I look upon this has come from the Secretary, as so great a Reflection upon the House, that he ought to come to the Bar upon his Knees, and ask Pardon of the House.’

M. Fleetwood.

‘ We are all subject to Infirmities; seeing that the thing is so, the Secretary could not apprehend any Reflection on the King by sending him with a Message, but he might apprehend it on himself; it was a little smilingly moved: but since he has explained himself, I would have this, &c. pass by, as I would on the like occasion desire for myself.’

H. Boscawen.

‘ The Gentleman’s Fault is a great one, but that after he has begg’d the Pardon of the House, I am willing to pass it over. Though it be a great fault, yet ’tis too little to give occasion of a Breach at this time.’

Ld. Cavendish.

‘ I am ready to obey the Order of the House, and I am sorry my Words gave offence.’

Sec. Jenkins.

So he went on the Message.

‘ We ought all to give God thanks for this Discovery of Fitzharris, next to the first Discovery of the Plot. It is a great service to the Nation, and ’tis not the first that Sir W. Waller has done. If ever the Thanks of the House was deserved, it is for this Discovery; and I move Sir W. Waller may have the Thanks of the House, which was ordered accordingly.’

Col. B.

Saturday, March 26, 1681.

‘ I confess I have been full of expectation of some Expedient to secure the Life of the King, and the Protestant Religion, without the Bill for excluding the Duke, &c. My Expectation is from those who opposed the Expedient of the Bill, (for I can call it no otherwise) I have in my weak Judgment weighed all Expedients I have heard of, and they seem all to me to be a Breach of the Constitution of the Government, and to throw us into Disorder and Confusion. I have heard that it has been an ancient Usage that Members have consulted their Cities, Boroughs, and Counties in any thing of Weight, as well as giving Money, before they resolved it. The Practice was good, and I wish it were continued; and we can discharge our Trust no better, than in observing the Direction of those who sent us hither. I received an Address from the City of London (having the Honour to be one of their Representatives) in the Matter of this Bill of excluding the Duke, &c. I heartily wish some Expedient may be found out to save our Religion without it. But I must pursue my Trust, therefore

Debates on the
Exclusion.

Sir R. Clayton.

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Lord Russell.

I move a Bill may be brought in to exclude all Popish Successors, and in particular, James Duke of York.

I have the same Obligation upon me, as the worthy Person that spoke last, from the County I have the honour to serve for. I have been long of opinion, that nothing but this Bill can secure us from Popery. In the long Parliament, 'twas said, that the Duke was a Papist; and the Danger of his Power will be more now, and every day informs us of the sad Consequences of it. I should be glad if any thing but this Bill could secure us. I know nothing else can, therefore I humbly move for it, &c.

R. Montagu.

The Security of the Protestant Religion, and the Preservation of the King's Person, is of so great weight, that we should not have staid to this Day to exclude the Duke; but I am sorry to hear that Language, that because the King has said in his Speech, he will stick to his former Resolution in not altering the Succession, &c. and proposes a kind of Expedient, &c. but in this we are not used as an English Parliament, but a French, to be told what we are to do, and what not; 'tis the greatest arbitrary Power in England to cow a Parliament, which may be was in design to bring us hither: but he we called to York, or any Part of England, I believe we shall be the same Men we are here, and were at Westminster. My Lord Danby dissolved the Long Parliament, and said, he had spoiled the old Rooks, and had took away their false Dice; and then started in the new Ministers, and they shuffle and cut again, and dissolve Parliaments, till they can get one for their turn. I have heard much weight laid upon disinheriting the Duke; sure no Father would scruple to disinherit a Son, or a Brother, nor turn away Servants that would ruin him. If Bishops and Counsellors would speak plain, they cannot answer deferring our Security so long. But neither the Ministers of the Gospel have endeavoured the Preservation of our Religion, nor the Ministers of State the Government, both acting against Religion and Safety of the King's Person: And I have no expectation of our Safety, but the Bill to exclude the Duke; and therefore I move for it, &c.

H. Coventry.

If this Debate must be proceeded in with the Regularity and Circumspection it ought to be, you have transgressed the Order of the Day already. Several Gentlemen tell us that there is no Expedient, but none tell us what is. All Men believe the Religion of the Duke is as fatal a thing to the Nation as can be, should he come to be King; and what do they deserve that perverted the Duke? But let us consider what depends upon this House, and let us proceed like Men. If we are of opinion, that the Exclusion of the Duke is the best way to preserve Religion, this House cannot

cannot do it alone; if we cannot have that best way, we are guilty to our own Country, if we take none. If a Man be sick, and so ordered that nothing must be taken but by Direction of three Physicians, and two are for giving him the Jesuits Powder, and one against it, he thinks he does the Duty of his Profession; but they all three not agreeing it, must the Patient take nothing? And we are but one part of the Legislative Power. But for Expedients, I remember in the Dutch War, the House went into a grand Committee, to consider Expedients for raising Money, to save a Land-Tax. A Man, whoever he be, that proposes an Expedient, will desire leave to make good that Expedient, and must speak, it may be, often to it; but if it prove to be none, that Man will be trampled upon. A Committee of the whole House will be most proper for this purpose. If there be a Dispute which Question shall take place, if the first be denied, the other may take its place; but not one to exclude all the rest, as this Bill will do. Let it be Exclusion or Limitation, or what it will, your Order is general, to find out means against Popery, and Preservation of the King's Life. When Men press on so fast, they may come late into their Inn by tiring their Horses. Let a Grand Committee try Expedients, else 'tis not *consultare*, but *dicere*. I am of a contrary opinion of having this great Matter debated in the House, and for the Reason I have told you; and if, Gentlemen, you will do reasonably, a Grand Committee is your way to proceed in.

You have had Motions proposed for Expedients, but there is not a word of Expedients in the Order, and that answers it. (The Order was read.) Those who were here present when the Order was made, have left it free for a Bill, or any other thing, and therefore they are not tied to have Bills, or offer Expedients against Bills. To the Simile of the three Physicians, that two could do nothing without the third, though one was for one thing, and another for another; if the case be such, that the two, in the Judgment of the third, did offer nothing to the sick Man but what was mortal, he ventures upon his own Disreputation to join with them. However, the three Physicians do not agree; we never yet saw any thing from the Lords in answer to this Bill; all Expedients have hitherto been to increase our Fears of the King, and to hasten our undoing; and when all was at stake, to have Parliaments dissolved, that was an ill Expedient. Those who were near the King, and altered their own Judgments, and are come over to this Bill, &c. they are all put away, and those about the King now are for Expedients. The Council of the Jesuits, they have their End, by disappointing the Kingdom, and by raising

J. S. (perhaps
Smith).

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raising the Fears of the People, either to take up with a false Security, as good as none, and so to impose Popery upon them that Way; or to bring the Kingdom into disorder. When Religion, and Laws, and all are at the dispose of a Popish Successor, the Kingdom will be in so great disorder, that the Protestants will not be able to enjoy them quietly: the Papists have no surer way to effect their End. For the House to go into a Grand Committee, 'tis a Motion of great weight. If you deny it, it looks as if you would precipitate and deny free Debate: If you accept it, you will lie under the Inconveniency of Delay; and who knows how long we have to sit? If we were sure of our Time, to sit two or three Months, I would be willing to go into a Grand Committee. But as to the ill Umbrage of refusing a Committee, 'tis not like other cases. I would have an Instance, if ever in a thing of this weight, the House went into a Grand Committee. This Matter of excluding the Duke, has been depending two Parliaments, and any other way for our Security would have been accepted. Nothing else could be found out the last Parliament, the whole Kingdom was satisfied with nothing else. And now what reason is there to go into a Grand Committee, for a thing so often debated to the bottom? No Man can deny, but a Grand Committee is proper, when something of an Expedient is offer'd; but to offer it generally, is as if the thing was never consulted nor debated before. I never saw any Expedient but this Bill, nor any Reason offer'd against the Bill, but set it aside, and think of Expedients. Therefore pray proceed according to the Order.

L. Gower.

'If any Gentleman have Expedients, I desire he would propose them; if they be of any weight, they will deserve well of the House; if it seems to them they will give us Security, I would be glad to hear them.'

Sir J. Ernley.

'When the Motion was first made for going into a Grand Committee to hear Expedients, &c. I did then second it for this Reason; because of the Honour of the Place I serve in. I did understand by the King's Speech, there were Expedients. I am unwilling to determine the Sense of any Man, who am of the weakest: But a Motion was first and seconded for a Committee of the whole House; and when this is done, I shall offer something.'

T. B. (perhaps
Bennet.)

'I must speak again to that Question of a Grand Committee, pray keep to the Order of the Day. Expedients that have been moved for already, as the Jesuits Powder for an Ague, &c. but our Disease is a Pleurisy, and we must let Blood. Let us go to what will do our business, and it may be we must have other Expedients to fortify the Bill. I would have the House rightly understand, that those who are
against

against going into a Grand Committee, are for excluding the Duke from the Succession; and those who are for a Grand Committee, are for him to succeed; and put the Question, if you please.

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'To exclude the Duke from the Succession, &c. that is a good Expedient to prevent Popery; pray let that, or others that shall be presented be considered.'

Sir F. Rolle.

'If there be but one Expedient offer'd, I do not think, that Ground sufficient to go into a Grand Committee to consider it; but possibly there may be several. This Bill is agreed to be an Expedient; and I have known, that in a Business of less weight than this, you have gone into a Committee, &c. If an Expedient must be offered in the House, you cannot but allow Gentlemen to make Replies in a fair Debate, or answer Objections. And if you in the House will depart from that Form, the House or Committee are equal to me. But our Debate is broke; one Gentleman said, he would be content with a Committee, if not intended for Delay. I do not doubt but this Day will have its full Effect. When 'twas moved on Thursday last, for this Day to take into Consideration the Preservation of Religion, without naming Bill or Expedients, it gave a great Credit to your Work. I would have no Discouragements upon People that have Expedients, by not going into a Grand Committee.'

Sir T. M. (perhaps Mon-
pesson.)

'We are perplexed in having several Questions on foot. I shall put you in mind, That this Bill now proposed, is no new nor strange Thing. Our Business, I suppose, is to find out Expedients to preserve the Protestant Religion, and the King's Person; here is a Way has past two Parliaments already; a Way, no reasonable Objection has ever been made against it; and a Way rejected by the Lords in gross, without offering any other. But I doubt, if other Expedients be tried, if they prove false, we shall endanger the Protestant Religion. Some have said, that Gentlemen apprehend they have Expedients; why then may they not be propounded, that the House may judge whether it will be worth going into a grand Committee to consider them? But if Gentlemen will have it their own Way, or not at all, I'll tell you how this looks, as if they were something one way, and nothing another: But he does not discharge his Duty to his Country, that does so; therefore if Gentlemen have any Expedients, pray let them offer them.'

R. Hampden.

'If the House be of a mind to enter into a Grand Committee, I shall offer my little Mite, as 'tis every Man's Duty to offer Expedients that has any. I doubt not but other Men have, and better than me; but if we go not into a Grand Committee, I shall offer what I have. I do apprehend by the Bill proposed, that 'tis a Bar to the Succession

Sir J. Erskine.

of

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of the Duke, and places the Succession in the next Heir. I shall propose, if you please, not the Name of King, but the Power, as a Regency, in the next Heir *: 'Tis no new thing in Spain and France, and (God knows) we have seen it done in our Kingdom. If the Administration be placed safe in the Person, that may have no Power to resign to the Duke, and may have full Power and Authority at the Death of the King to call that Parliament which far last, who shall have Time to sit to confirm this by Act of Parliament: I hope this may be done, and may be done safely, if you can contrive such a Way.

Sir N. Carew.

'As I understand, 'tis propos'd, that the Government shall be in Regency during the Duke's Life; I would be satisfied, if the Duke will not submit to that, whether those that fight against it, are not Traitors in Law.'

' I

* Heads of the Expedients propos'd in lieu of the former Bill for Excluding James Duke of York; viz. 1. That the Duke of York be banish'd, during his Life, five hundred Miles from England, Scotland, and Ireland, and the Dominions and Territories to them belonging. 2. That the whole Government, both Ecclesiastical and Civil, shall, upon the Demise of the King, be vested in a Regent, for such Time as the Duke of York shall survive. 3. That the Regent be the Princess of Orange; and in Case of her Decease without Issue, or with Issue in Minority, then the Lady Anne. 4. That if the Duke have a Son educated a Protestant, then the said Princesses respectively shall succeed in the Regency, during the Minority of such Son, and no longer: Which obviates an incurable Absurdity in the former Bill of Exclusion. 5. That the Regent do nominate the Privy-Council, and they to be, or not to be approved in Parliament, as shall be judg'd safest, upon directing the drawing up of this intended Act. 6. That notwithstanding these Kingdoms (out of Respect to the Royal Family and Monarchy itself) may be govern'd by the said Regent, in the Name and Style of James the Second, &c. yet it shall by this intended Act be made Capital for any to take up Arms on his Behalf, or by his Commission, not sign'd by the said Regent, or granted by lawful Authority deriv'd from, and under such Regent; or to maintain an Opinion, That the Retaining the said Name and Style, shall in this Case purge the Disabilities impos'd by this Act, or elude the Force thereof. 7. That Commissioners be forthwith sent to the Prince and Princess of Orange, to take their Oaths, That they will take upon them the Execution of this Act, and that their Oaths be here recorded. 8. That all Officers, Civil and Military, forthwith take Oaths to observe this Act, from Time to Time, as in the Act for the Test. 9. That his Majesty would graciously declare to call a Parliament in Scotland, in Order to passing the like Act there, and recommend the same; and the like to be done in Ireland, if thought necessary. 10. That in Case the said Duke shall come into any of these Kingdoms, then shall he be ipso facto Excluded, and shall suffer, as in the former Bill; and the Sovereignty shall be forthwith invested in the Regent, upon such his Coming into any of these Kingdoms. 11. That all considerable Papists be banish'd by Name. 12. That all their fraudulent Conveyances be defeated. 13. That their Children be educated in the Protestant Religion. By this Means these three Kingdoms will be United in the Defence of the Protestant Religion, his Majesty's Person, and Government; and a sure Foundation laid of an effectual League with Holland, and consequently with the rest of Christendom, in Opposition to the growing Greatness of France. Richard.

‘ I think what you are upon, to be a Matter of great Weight; Anno 33 Car. II.
 some Expedient has been offered you, I believe as yet but a 1681.
 crude one, and I cannot imagine will ever be an effectual
 one. He that moved it, tells you, he hopes, when drawn
 into better Form, it may do what you desire. It excludes
 the Duke, and in his Place, the next in the Succession shall
 have the Regency in him. — But our last Act left it in the
 Law. Consider what is a Regency; I never heard of it, but
 of a Prince in Possession, in Minority, or Lunacy; and it has
 generally been very unfortunate. But to talk of a Regency
in futuro, in Condition and Limitation of time, I never
 heard of. This Expedient does not answer the King’s Speech,
 nor your former Bill; it makes the King but a Shadow,
 and divides Person from Power; our Law will not endure
 it. The Person divided from the Power, both will be
 courted; and who that next Heir will be, we know not.
 The King leads you to consider Expedients, but such as will
 consist with the Safety and Dignity of Monarchy. This
 supposes two Kings at the same time, one by Law, and another
 by Right. Portugal gives us some instance of Regency,
 where the King was put into Prison for Miscarriages
 in the Government, and his next Heir made Regent; but
 there is a vast Difference in these two Cases. The King
 of Portugal was set aside for personal Miscarriages, not for
 being a Papist: and which is another thing, that was present,
 this is to come. If this Question be to let the Duke in, and
 then make a Question whether Allegiance be due to him;
 but I am afraid, that unless we be true to those we represent,
 from whom by express Direction, most of us are to pursue
 the Bill, &c. we shall not be avowed in what we do. The
 Bill, &c. has been under Consideration of all the People
 of England, and perhaps all the Protestants of Europe;
 all the Wits of Learned Men, have made their Objections
 against it, yet notwithstanding all People are still of the
 same Mind. — And now we run upon the most misshapen
 thing, which it may be two or three Years before we
 understand it, and we may expect to have an Operation
 of it, no body knows when, I see very little weight in it,
 unless improved by some other Person, therefore I am for
 the Bill.’

Sir W. Fulke-
 ney.

‘ We are flying at a great matter. To fight against the
 D. if he should be King — God forbid. — We have been
 told three or four times of Directions Gentlemen have had
 from their Principals, to be against all those things of Expedients,
 and to insist upon the Bill of Exclusion, &c. I would not
 have that way much cherished, ’tis an uncertain thing;
 and no Footsteps remain of any Papers from their Country.
 I take the meaning of that going down, is to consult the

Sir T. Littleton

TOME II.

R

Neigh-

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Neighbours for Direction what to do. I hear talk to-day of Parliaments of France, but this way is as dangerous; like the States of Holland, to consult with their Principals before they resolve, is most unusual and of very dangerous Consequence. A Regency has been propos'd to secure the Administration of the Government in Protestant Hands, so as not to alter the Constitution of the Monarchy; and this alters the Constitution of the Monarchy the least imaginable. A Regency in room of a King, and the Monarchy goes on. We have had Regent Protectors, call it what you please, *Primus Consiliarius*, in case of a Minor Prince; but I propose not this. If you alter the Government, I am against it; but here is offer'd a Regent in place of the King, or transferring the Government. But it may be said, where shall the Duke be all this while? That Point I think is pretty well over, there is no design of Seclusion—The Lords would have banish'd him 600 Miles from England.—The Duke has an Estate, and he, as all Men besides, loves it, and will not part with it, and will do nothing to forfeit it. But your Bill of Exclusion secludes the Duke, and the Crown then is to fall as it does fall. What is then the Case? You must imagine, either his own Daughter will take up Arms, if the Duke attempt the Crown, or some body else will, to keep him out; and that will raise such an Anger in the Duke's mind, whither will they shelter themselves? Not under his Daughter: they must naturally shelter themselves and run into Arms. Cromwell's way was to keep up an Army of Sixty Thousand Men for his Security, especially an Army flesh'd with Victory—And they that have it, will keep it. We are not in the Condition we were formerly; when the Lords cherish'd their Tenants by good Leases, they could raise an Army, and send them home to their Houses when they had done what they were rais'd for: But we are now in another way; raise an Army, and they will think of their own Interest to be kept up. But if it fall out thus, your Bill leaves it very loose.—As soon as this Bill is pass'd, suppose the Regency established in the Princess of Orange, or the Lady Anne, and in the same Law a Commission be sent over to take an Oath from her strictly to execute this Law, you are then not left in that loose manner you will be by the Bill, &c. 'Twill be a far less matter for her to save a Family, before Misfortune come upon it, than to take the Government upon her afterwards, in the trouble of an Opposition. But it may be said, what needs all this, 'tis just nothing but retaining the Name of K. in an exiled Man?—But 'tis less violation in her to govern in her Father's Name, than to take the Kingdom from him. It may be wonder'd, why in Portugal, upon deposing that King, there was a great Debate of the three Estates (though they

they hold not the Proportion as they do here.) In this great Debate, the Commons were for Don Pedro to be King, the Nobility to have him Regent, the Ecclesiastics demurr'd; but at last both came over to the Nobility. But Don Pedro stuck here, and would still leave his Brother the Title of King, and would leave nothing of shelter to force Nature too far. There are Reserves in the King's Speech, I cannot but take notice of by the way. There is another thing to be considered. Some will be paying a deference to the Sacredness of a Crown, for Government's sake. This Objection looks like something; He is like to be five hundred Miles off, &c. and a Law to take up Arms against him.—How was that Law, that the King and Parliament have power to dispose of the Crown? It was then an Opinion amongst Lawyers, that the Crown was unalienable; but when that Law was made, that Opinion was damn'd under a Penalty, though 'twas a standing Maxim before that Statute was made. If so, this new Act will be a Warrant for what is proposed, as that was for the other. For my part, I have had the ill Fortune to have the Wind in my Face, and to be against the general Opinion and Stream of the World; and having had for some time no share in the Government, I may speak possibly more freely than they that have. 'Tis a great Crime to spy things too soon, which makes men apt to run from one Extreme to another. I have proposed the best Expedient I can, and most safe; but I am afraid, if you do nothing in this great Affair now it is started (I'll grapple with neither of the Expedients) but if you do nothing but let the thing lie loose, you'll gratify the Jesuits by our confusion, and the Commonwealth-men to shuffle the Cards again: but if you go into some Medium, both these sort of men will be undone.

I have heard with great Attention this very learned and able Gentleman. I am really of Opinion, if any better Expedient could have been found out, than what has been proposed, that he, as soon as any Gentleman, would have proposed it. But I am amazed, that so learned a Gentleman should not see through this Expedient. That which I take for the Expedient, is, the Duke to retain the Name of King, and the next Heir to be under the Title of Regent or Protector: What does he mean by next Heir? For any thing I know and believe, it is the Duke's Daughter; but it may be the Duke may have a Son. Either I have a great Cloud upon my Understanding, or this follows, that if the Duke have a Son, he shall at a Day, a Month, or a year old be Regent. Suppose the Princess of Orange come over, and she die, (the Prince of Orange has no Right to the Regency) and she leave a Child, and that Child be Regent, that Child must have a Protector,

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and so there will be a Protector of a Protector. But, Sir, we are told, that nothing but to keep up the Greatness of the Government makes them go from the Bill of Exclusion to this Expedient. But is it so great and pleasing a thing to wear a Crown, and be called King, and have no Authority? It is much worse then to lose an actual Crown, and the Possession of it. If the Bill pass, and the Duke be banished 500 Miles off, it must be out of *England*—if the Name will please him, in Civility beyond the Sea he shall be King, and it will be as much to his purpose beyond the Sea to be called King only, as here.—But for the Security of his Estate being here; he that would venture the loss of a Kingdom for Religion, will his Estate too, that's but a weak tie. It is less injustice to take away the Crown and Power from him, than to have of both but the Name. If you allow the Duke the Name, it will imply a Right, therefore for that to be used as an Argument is strange. But why is this Contention, and all this ado, I wonder, for an empty Name? But I am afraid this Expedient is a kind of Jesuits Powder, (I do not think the Gentleman's Intent or Opinion is for the Jesuits) but a wise Man may over-do sometimes.—If you do not exclude the Duke's Title, the Duke is King still, and then will learned Lawyers tell you, that by 1 H. 7. all Incapacity is taken away by the Possession of the Crown. If you take not away the Descent of the Crown, and that the Duke has a Title to be King, then without doubt all Incapacities fail;—but if the thing may be effectually done, I am willing to exclude him the Name, as well as the Power; but Lawyers know no distinction.—When the Lady Anne comes to be Regent, not only Nature, but Conscience will put her upon giving Cæsar his due; and perhaps that Text some of our Divines will preach upon. They'll say that the Parliament by what they have done, acknowledge a good Title in the Duke. But if he be King, as the Parliament allows him to be in Name, he has Right of Descent, and so will be restored to all the Rights of King.—An Argument upon Queen Mary like this, restored the First-fruits and Tithes.—Another thing perhaps may come from them that proposed this Expedient, (I do not believe it came from that Gent. &c.) if you had pass'd the other Bill, a great many would not submit to it; but if you pass this, if the Duke have Right to be King; and be kept from the Administration of it, I doubt whether I shall fight against him. And the Papists will say, you have got a Law to separate that which is inseparable. I would, if I were as the Duke, have this Bill to perplex my Opposers, rather than clear one. He has told you of an Army to maintain the Bill, &c.—which will not soon be laid down.

down. But why an Army? — If there must be an Army Anno 33 Car. II.
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for your Bill, there will be four Armies requisite to maintain the Expedient. — A Protector has been proposed, not like that of E. 6. who was little more than the now Lord President of the Council. — But certainly they who proposed the Expedient, would have by it the same Power of letting in the Duke, as of keeping him out. Therefore I move to lay aside this Consideration, and take up the Bill as has been moved for.

‘ I think it is fit we should present Reasons to the King L. Gower,
for passing this Bill of excluding the Duke, &c. I do think that the Administration of the Government has been in such Hands since the King came in, that tho’ the Ministers have been changed, yet the same Principles remain to this day, though some have been removed. — The breaking of the Triple League, the taking of the Dutch Smyrna-Fleet, &c. The King of France makes War for his Glory, and we for nothing but to get Riches to make the King absolute. Such a Violation was done upon the Rights of the People as has been done. — He was called down to Order. —

‘ A Question so extremely well spoken unto, to be interrupted with any angry Question, is not very decent at this time; what is spoken of, is Matter to be enquired into another time, though the Gentleman does it with a worthy Intent. If the Gentleman have any thing else to propose, pray hear him.’ E. Vaughan,

‘ I intended to move you for Reasons to induce the King L. Gower goes on.
to pass this Bill. The strange and dishonourable Retrenchments made in the King’s Family. — He is surrounded by the Duke’s Creatures. — ’Tis not safe for the King to part with any one Minister, unless he part with all; and when these Men have got a Bank of Money for a Popish Successor, then will be the time to take away the King.’

‘ This we are upon is a Matter of great weight and difficulty. Let any Man that can, maintain this Expedient, or Sir F. Win-
nington.
give you a new one.’

‘ I have heard with Patience this Expedient, which has Sir T. M. (per-
haps Momps-
son.)
been well offered, and I believe mistaken by the Gentleman who answered it. I must say this, your Question and your Business is Religion, and I have given as good Proof of my Zeal for the Protestant Religion this twenty Years as any Man has; and I have been for this Bill of excluding the Duke, &c. I am of Opinion something must be done to secure Religion. For the Point of Law mentioned, if the Law be such, That Dominion must run with the Name of King, that single Reason is to carry the Debate. But if I answer not that, I am at an end. But sure those Words
that

Anno 33 Car. II. 1681. *that can disinherit a King, may make this Expedient Law.*
 I would not rise now, if I thought the Bill to exclude the Duke, &c. could pass; my Grounds are but Conjectures. The last Parliament, I did think this Bill would pass without greasing the Wheels. The Condition of England is thus: We do need one another, both King and People, and we have need to make use of a Parliament to assist one another, to relieve us in the Difficulties we are in. If the Duke should be King, he will need a Parliament, and so will the People. In order to this, if another Expedient can be found out as like this, though not the same, which no Objection of Law could destroy, he would do the King and Kingdom great Service and Advantage who would produce it. In this Necessity we are like two great Armies encamped upon two Hills, and neither dare remove, not for want of Valour, but from their Reason: He that has the last Loaf stays longest, Necessity compels the other to decamp. At last it must be one side or other, or else England will have the worst of it. But if none will venture to clear the Matter in point of Law, I am answered. If any could alter that Bill, that it should not be the same we have had twice before, I should like it. I like this Expedient offered you, for 'tis a Bill of Exclusion, and so strong a one, that the Duke may chuse the first rather. I am for the Nail that will drive to do our Business. If Gentlemen have other Thoughts, pray so contrive it, that we have one Bill or other.

W. Harbord.

'All the Expedients I have heard yet, are like a Cucumber, when you have well dress'd it, throw it away. These Gentlemen tell you, they will bring in a Bill of Excluding the Duke from the Regency, &c. This Proposition is either honest or not; if it be honest and without Design, then all the Dispute betwixt the King and Us, will be, Whether the Duke shall have a Title to the Crown. But I hope the King will rather gratify the Nation than the Duke. If this be not honest, and People about the King circumvent him, they will find Means from Day to Day to divert him. Why was England so fond of Calais, but to have some Footstep into France? And so this Bill, let the Bill pass, and all those Gentlemen who have Dependency upon the Duke, if he come to the Crown, will change Matters.'

Sir F. Win-
nington.

'A worthy Member not being satisfied with Arguments of Law against the Expedient, that calls me up, as in my Profession. The Question about this Bill of Exclusion, that 'tis lawful in Conscience, no Man will oppose: The great Opposers of it in the Lords House, agreed it lawful when they threw it out.——Not *Iure Divino* unlawful *concurrentibus iis qui concurrere debent*. Some Gentlemen told you, their

their Country gave them Instructions to press this Bill of Exclusion, &c. Sir T. Littleton said, it was dangerous to take Instructions from the Country; but I say, 'tis much more to take it from Court. Parliaments formerly upon any extraordinary Matter, staid, and sent their Members to consult with those who sent them. I am not subjugated (when I am here) to what the Country does propose. I am as much against a Republic as he that fears it; but I am a Protestant. I say, I know Sir T. Littleton to be of that Experience and Reason, that if he go away satisfied in this Matter, he will do all the good he can in the Post he is in. But to keep close to this Question; it being allowed by Law, That an Exclusion of the Duke from the Crown may be; the next Thing is to consider the Expedient of the Regency proposed. The same Authority that can make a Decent of the Crown, may modify it. He argued to shew that the Regency would make the Duke insignificant in the Administration of the Government. Now the Question is, which is the most practicable. We Lawyers are aptest to go on the strongest side, and to call every thing Prerogative. I'll put you a Case; . . . being in King James's time, the Sheriff of ——— there was an exception in his Commission, that he should not keep the County-Court of ——— but should have all other Exercises of his Office. But the Judges resolved he was Sheriff to all Intents and Purposes, and that he could not be hindred keeping the County-Court. An Act of Parliament against common Sense is void. To make a Man King, and not suffer him to exercise Kingly Power, is a Contradiction. Some Clauses formerly in Acts of Parliament, were flattering Clauses to satisfy the People, and not let them have the thing. Should this of the Expedient be an Act, 'tis Nonsense, and may be said hereafter, the House of Commons were outwitted. I owe the Duke Obedience if he be King; but if he be King, and have no Power to govern, he is the King and no King. I have urged this to shew, that this is no Expedient, it blears only Peoples Eyes, and is no solid Security. To say the Duke values his Estate, which he may forfeit, &c. He loves a Crown too very well, therefore you are not to arm your self in Point of Conscience, but in Point of Reason. The last Parliament I did see dissolv'd, by the Management of the Papists, and the Ministers; so that without this Bill of Exclusion, our Ruin is irresistible. If the Duke come to the Crown, he brings with his Religion *Merum Imperium*, and that made me fond of the Bill; but if by Law the Duke never was King, there is no Case of Conscience lies upon us in his Exclusion. I will only make this Observation of the King's Speech, in relation to this Question—And if it be practicable, the riding

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ding of ourselves quite of that Party, &c. and not to lay so much weight upon one Expedient, as to determine all others, are ineffectual. The two main points (it seems) the King doubts himself, and all this, delivered by the King in great Wisdom, is clipt off to this Expedient of the Regency. You see now we come to Expedients; the Ministers have had two Parliaments to consider it, and now we are come to this Expedient of the Regency. I find no security in Law by this Expedient; you take away nothing by this Expedient, and therefore I hope the Bill of Exclusion will pass. I hope that Reason, and not great Offices, will take Men off from their *neemine contradicente*. I speak this as if I were a dying man, and humbly move for the Bill, &c.

H. Booth.

‘ I have it in command from my Country, That they apprehend no Expedient to secure us from Popery, but that the Remedy will be worse than the Disease, unless this bill. I have heard as yet no Reason given against it. But there is an *aliquid latet*. If the Duke be not set aside, I am sure the Government will be; and therefore I am for the Bill of Exclusion, &c.

Sir T. M.
(perhaps Mompesson.)

‘ I know not how far Sir Francis Winnington’s Argument may be press, what Bill soever we may have. Pray let us have the Law on our sides, that if the King should die, we may know whither we are to go. I think the King’s Speech is penned as it ought to be penned; and should a King speak positively to what Laws he would have, we are an Irish Parliament, and not an English; but the King’s Words are tender Words. The thing lies fairly before you, if any Expedient can be thought of, not to destroy the Monarchy; and if the next presented be not the best, not to refuse the next.’

E. Vaughan.

‘ You have had an Expedient offered you of a Regency, &c. instead of the Bill of Exclusion, &c. Pray consider what this Regency is. ’Tis the whole Office of a King, to appoint Judges call Parliaments, &c. This Power they would take away from the Duke. But if by Law they will reserve the name of King to the Duke, ’tis to bring a War upon us, and to bring the Duke in by force. This Regency must be supported by War, as well as the Bill of Exclusion. By the 13 Eliz. the Crown is not alienable by the King, but may be alienated by King, Lords, and Commons. And when that Statute was made, no Successor was named, to keep King James in awe; which I conceive was the Reason why none was named in the last Bill of Exclusion. Though we have been frightened out from that Bill by Prorogations and Dissolutions, yet ’twill not frighten them whose Reasons go along with it. And I am for that Bill, because all men are for it, and have sent up the same Parliament again that pass it. But if you lead people into
uncertainties

uncertainties in the Government (as this Project of Regency Anno 33 Car. II.
1681. undoubtedly will do) the Court and the Country will be of a mind to lay aside Parliaments, because they are useless.

'Peoples Eyes are now enlightened, and all the World are an informed People. The Papists care not who is King, if he be a Papist.' And so he proceeded, much to the same purpose as several Speeches in the last Parliament.

'I would not have spoken so much out of Duty to my Master, but for the Duty I owe to my Country. I owe a new Obligation to the King, for I am the Duke's Servant from the King. My Father was a Servant to the late King and this; and I have my Protection under him I was bred in England, and for his Service at Sea. I know my own weakness, not being bred to the Law; but by inquiry I find, that the Doctrine of disposing a Kingdom from the Right Heir is damnable; and 'tis the Doctrine of the Church of Rome. I have heard, that in the 24 E. 3. the King demanded Advice of the Parliament, in matters relating to the Crown. The Answer was by the whole Parliament, they could not advise in any thing relating to the Crown, nor of Disinheriting him to whom they were sworn. The Fundamental and Common Law of England has made the Duke Heir to the Crown, if the King have no Sons. The Title of Hen. 4. was confirmed by Parliament, but he laid his Claim of Descent from H. 3. and it continued in that Descent till H. 6. and then the Parliament declared that those Acts were not binding, but unjust; and declared the Oaths of Allegiance to those Kings infamous and wicked; and so the Right Heir came in. H. 8. had Power to dispose of the Crown, by his last Will and Testament, to place and displace the Crown at his pleasure; yet all his right Heirs came to the Crown, though Jane Gray claimed it by virtue of that Will, and baited her Title with Religion. Queen Elizabeth made a Law, that whoever did maintain, that the Crown could not be disposed of by Parliament, should be guilty of Treason, &c. and for ever after of *Premunire*. But since that, there is a Restitution of King James, which acknowledged him lawfully, rightly, and justly the next Heir to the Crown, and did beseech the King to accept of their Allegiance to him and his Posterity. And I think our Ancestors swore to the King and his Posterity, as well as we. 'Tis a great Happiness to this Nation that both the Lines are united, and that we are rid of the Misfortunes of the Barons Wars. We have had Attempts to turn the Government into a Republic: And who knows but that if you put by the Right of the Duke, the Revenue of the Crown being much upon the People, but that there may be Attempts to turn the Government into a Republic again? When my Father was

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in Prison in the late Troubles, an eminent Man then in Power, in Discourse with him, said, I have obliged you, and if the King come in, as I believe he will, then think of me; Look to yourselves when you are in the Saddle again: If once you divide, adieu to Monarchy for ever. If you keep out the Duke, what must follow? An Act of Association; I speak now for England, and for my Posterity, (I have seven Children.) How will this look? The King's Father murder'd, and his Brother taken from him? Will this take no Effect with the King? I wish the Duke many happy Days, but the King more from my Heart than the Duke. The King is a healthful Man, and the Duke is not. I am not barely the Duke's Servant, which makes me concern myself, nor out of pique of Honour would I do any thing to destroy my Posterity. Therefore I am against the Bill, &c.

Sir W. Courtesay.

'That which calls me up, is to answer something that was said by the worthy Member that spoke last; I am for the Bill of Exclusion, (and was so the last Parliament;) because I am clearly satisfied there can be no Security without it: But I must so far agree with him, that this Bill (if it should pass) will not be a full and compleat Security, But,—Here being an Interruption by a Noise in the House, this Gentleman proceeded no further.

Colonel Birch.

'This is the Day of England's Distress, and not only England, but upon this day's Debate depends the good Fate of the Protestant Religion all the World over. Except you expect a Miracle from Heaven, nothing else can save the Protestant Religion, but this Bill of Exclusion. I think I have said this many Years ago, That Popish Matches would bring in Popery at last. As to the Point of Law (spoken of) that will be interpreted according to the Strength of the Party—But I doubt not, if we do our Endeavours, God will help us, if we have nothing left us but Prayers and Tears. We are in condition of Conquest or Compact, and so is all Government. Interest must defend this Bill, and not an Army; we are the Army. I have a Family as well as others, and where Idolatry must be set up, rather than my Children should breathe in such an Air, I had rather they were buried, or had all the Mischiefs in the World. Colonel L. ingenuously offered some things; but without this Bill you may sit down, take a Popish Successor, and renounce the Protestant Religion. I would break this Popish Interest, and then Interest will maintain this Bill. If once this Bill pass, and as in Queen Elizabeth's time Protestants are put in Places of Trust, you need not fear the Disturbance spoken of. Where ten were of this Mind, an hundred are now that will bleed for this Bill. In plain English,

nglish, let the World see that the Protestant Religion is dear to us, and we shall have the Law on our sides. Anno 33 Car. II. 1681.

‘ I was mistaken by some Gentlemen in what I said: I shall be very short and tender of the time, because ’tis late. Sir T. Littleton. That of the Lady Mary’s Regency obviated an Absurdity in the former Bill. If the Duke should have a Son, where are you then? The Lady cannot descend from the Throne, having possess’d it. But my Meaning was, that the two Princesses respectively should succeed in the Regency during the Minority of that Son. The Bill of Exclusion is so weak a thing, that ’twill need all the Props to support it: And a Train of Consequences will follow it. What is told you of Scotland, is worth your considering; if Scotland be not consenting to it, I know not how you’ll obviate that. It unites the Papists of England and France, which we ought above all things to prevent.’

‘ He may be convinced by his own Argument. For by H. Booth. so much the easier ’tis for the Princess of Orange to descend from her Authority of Regent, so much the less is our Security. And for Scotland, the same Interest that passes this Bill here, will do it in Scotland, and in Ireland there is no need of it. By this Proposition of the Regency, all Commissions Military by Sea and Land, Church and Law, are to go on in the Duke’s Name. And if all Dispatches under the Great Seal must go under his Name, we can have no Security. The Oaths of Allegiance and Supremacy can be taken to none but him; and if that be granted, That ’tis unlawful to take up Arms against the King or those commissioned by him — If that be not a true Proposition, I know not why that Declaration was made: It lies loose to me, I must confess this Expedient seems to me, as if a Man that scorched his Shins at the Fire, instead of removing himself farther off, should send for a Mason to remove the Chimney back. I have heard from Lawyers, That if a Man do make a Free hold Lease, to begin from the Date thereof, ’tis void. It would be more ingenuous for the Gentlemen to say, If you do pass the Bill to exclude the Duke, they will not be bound by it, they will have the Duke to succeed; and then I wish they would tell us what will save the Protestant Religion. If the Duke come to the Crown, will Gentlemen chuse either to be Papists, or burnt, or hang’d? I have no Disrespect to the Duke, if this Proposal could keep out Popery: But if I am to leap over a River, I had rather have no Staff, than a broken one, This can be no Security. If you leave it in the Power of the Council to make War and Peace, and dispose of Money, pray then where is the Government? Either they will be faithful, and keep the Law of Regency, or the King must be King but in Name, and they the Soul of the Government. I

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have heard the Expedients with Patience, and have not been over-hasty to put the Question. But I see no Remedy to save Religion, unless excluding the Duke: Therefore pray put the Question for the Bill, &c.

The Question was stated.

R. Hampden.

'You have been moved to add to the Duke's Exclusion, all other Popish Successors. This is a Bill on purpose to exclude the Duke only. You may exclude all other Papists from succeeding, &c. in another Bill by itself. But I observe, that the Way to lose a Bill, is to clog it.'

H. Coventry.

'I shall only observe, that by the last Bill of Exclusion, if the Duke should turn Protestant, he will be excluded; and if the Princess of Orange turn Papist, she is not excluded.'

Debate on the
Lords throwing
out the Im-
peachment of
Fitzharris.

Resolved. That a Bill be brought in, to exclude James Duke of York, &c.

In the Afternoon; an Account given of the Lords throwing out the Impeachment of Fitzharris.

Sir T. Littleton.

'I see by the Lords refusing this Impeachment, no farther Use of a Parliament. They will be a Court, or not a Court, to serve a present Purpose.'—

Sir W. Jones.

'In a Matter so plain, and which concerns the very Being of Parliaments, I am unwilling to make unnecessary Doubts. If an Action be brought in the lower Courts, it does not hinder that Action being brought in Westminster-hall, if no Judgment upon it; and it holds the like in this Case. Indictments were brought against the Lords in the Tower at Common-Law, and yet were no Impediment to their Impeachment in the Lords House; but here is no Indictment or Prosecution brought against Fitzharris. We have an Instance fresh in memory; The Lord Chief-Justice Scroggs, a Commoner, and not indicted at Common-Law, yet the Lords without any Scruple accepted his Impeachment, so that we need not spend our Time to search Precedents. Perhaps the Lords Journals were not made up, but our Members have taken Notes out of the Minute-Book—by them we find the Lords have determined a great Point. The Lords Spiritual as well as the Lords Temporal have voted it, which we own not in this Judicature, nor I hope ever shall; and we are denied Justice by the Lords Spiritual, who have no Right to vote. This is doing a double Act of Injustice. And since the Lords have taken upon them to throw out the Impeachment of Fitzharris, let us vote, That the Commons have a Right to impeach in Capital Cases; and that the Lords have denied us Justice, in refusing the Impeachment. And after you have asserted your Privileges, then draw up Reasons for maintaining them. And if the Dissolution of the Parliament follows, it's the Fault of those Men who will not hear our
Reasons.

Reasons, and in a Parliamentary way at a Conference shew how unwarrantable the Lords Actions have been in their Way of Proceeding. Anno 33 Car. II. 1681.

‘ If this Impeachment of Fitzharris was of so ordinary a nature as a Monopoly, &c. I should not press upon this Matter: But this is not an ordinary Accusation, but that which relates to our Religion and Property; and how the Bishops come to stifle this, let God and the World judge. I would know, if a Man be impeached by the Commons, and no Indictment against him, (only the Attorney-General told the Lords, that the King gave Directions he should be prosecuted, and no Record against him) whether this is a ground to deny our Impeachment? If the Lords will vote that the Commons shall not impeach him, they may as well vote they shall not be Prosecutors; but yet we will be so. This is a new Plot against the Protestants, of which Fitzharris is accused, and we must not impeach him; in this the Lords fairly say, We must not hear it. If this be the case, I desire you'll come to some Vote. You are willing to discover the Plot if you could. If the Attorney-General had prepared a Prosecution in an Inferiour Court, and they had proceeded to Judgment, then it is pleaded in Bar to the Judgment of a Superiour Court. If our time be short, (as I believe it is) pray do not delay to come to some Resolution; if the House be satisfied in it, pray make a Vote to assert your Right. A little while ago, when the Duke was presented for a Papist, the Grand-Jury you know was dismiss'd by Chief-Justice, &c. This seems as if the Lords were bound in Honour to justify the Judges Proceedings by their own. 'Tis a Reflection of Weakness in a Man, who doubts in a plain Matter, and if no Man doubts our Right, pray vote it so.’

Sir Francis Win-
nington.

‘ I am glad we are off from the great thing yesterday; I cannot believe but that the Lords have Judgment enough to have cause for what they do, and in this Case of Fitzharris's Impeachment; in this Matter, Precedents you need not search. This of Fitzharris seems to me to be a more dangerous Breath than usual, a Breath fit to be stifled; there is something in this more than ordinary. If there be so sacred a Respect to the common Trials of England in inferiour Courts, 'tis strange that the House of Commons should be below a common Jury. If in the case of Skinner, and the Fact done beyond the Sea, the Lords contended with the Commons about judging it, though it was an original Cause, this was no great Value of the Law of England. But it seems they value Fitzharris, to keep him from us. When I have heard in all the Speeches to-day, that the Duke does not go single,—and have heard so excellent Discourses to-day of that Matter, I am loth to mingle my Weakness.—

Sir R. Howard.

But

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But for such Council as this, the King hereafter will have no cause to thank them, for involving him in the Fatality of those Councils; as if they would make the Libel of Fitzharris the Copy of their Councils. Dangerfield was reputed a most infamous Person; yet if he would speak what he knew, nothing of Mercy was too big for him: But Fitzharris is a Man of no Infamy, and yet they hurry him away to the Tower, when he began to confess in Newgate. Are you so lost, that you have no Mercy left for the Protestant Religion? This is strange, if the Terror of his Condition make him confess the whole Plot, and he be taken out of our hands. We hear of other things, as that the French Ambassador had a hand in this Plot, which a Jury will not enquire into; their Business is only, whether Fitzharris be guilty or not guilty of the Indictment. I must confess, that with the Carriage of this, I have enlarged my Suspicion, for I cannot but suspect unusual Ways. The worst of Mankind, with all his Villainies about him, has been pardoned.—Is there in this any Provocation given by us? But something depends upon this Man, as well as upon the Bill to-day. When you was told by Secretary Jenkins, he would not carry the Impeachment, &c. and the House would make no Breach, by taking any severe Course against him, but pass it over with Temper—sure we must not lay down all Prosecution of the Plot, and say, that the Protestant Religion shall have no Mercy. Fitzharris may merit mercy by Confession; and if his Breath be stopt by the Lords, I am sorry that People will say, If it were not for the Lords, Fitzharris might have discovered all the Conspiracy; and the Protestant Religion might have been saved. I move therefore, that in your Vote you will not only say, That denying this Impeachment, &c. tends to the subverting the Constitution of Parliament, but of the Protestant Religion also. And I hope we shall proceed in this with the same Calmness of Mind that every Man does wish, who would not lose his Religion.

Serjeant May-
nard.

‘ A Plot we all know has been on foot in England, and I am sure in Ireland too, and what Arts and Crafts have been used to hide the Plot? It began with Murder and Perjury, and false Subornation, and this of Fitzharris is a second Part of that. We have sent up an Impeachment against Fitzharris, and the Lords deny to receive it. In effect, they make us no Parliament if we are the Prosecutors, and they will not hear our Accusation; 'tis strange, when their own Lives as well as ours are concerned in the Plot. The same day we impeach Fitzharris the Lords vote, we shall not prosecute him.—Now when all is at stake, we must not prosecute. If this be so, Holland and Flanders must

must submit to the French, and they run over all. This is a strange Breach of Privilege, and tends to the Danger of the King's Person, and Destruction of the Protestant Religion.

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' This of Fitzharris is a considerable Confirmation of the former Plot; I call it the old Plot, but 'tis still new upon us. This is a Confirmation of the Design to murder the King, and the Duke consenting to destroy his own Brother and our King. I have often heard it whisper'd, that this Plot was Madame's Design at Dover. 'Tis plain that Justice Godfrey was murdered, and that the Army at Blackheath was to destroy the Protestants in Holland, and to awe the City of London. When Fitzharris was in an Inclination to discover what he knew, and two or three honourable Members went to examine him, this Man was fetch'd the next Day to Whitehall, and sent to the Tower, and so we were deprived of all farther Hopes of Discovery. We have received the Information he gave, and now that the Man may be in no capacity to discover farther, they stop his Mouth. I move therefore, that you will declare, That if any Judge, Justice, or Jury proceed upon him, and he be found guilty, that you will declare them guilty of his Murder, and Betrayers of the Rights of the Commons of England.'

Sir T. P.
(perhaps Proby.)

Resolved, That it is the undoubted Right of the Commons in Parliament assembled, to impeach before the Lords in Parliament any Peer, or Commoner, for Treason, or any other Crime or Misdemeanour; and that the Refusal of the Lords to proceed in Parliament upon such Impeachments, is a Denial of Justice, and a Violation of the Constitution of Parliaments.

Resolutions in
the Case of
Fitzharris.

Resolved, That in the case of Edward Fitzharris (who by the Commons had been impeach'd for High Treason before the Lords, with a Declaration that in convenient time they would bring up the Articles against him) for the Lords to resolve that the said Edward Fitzharris should be proceeded with according to the Course of Common Law, and not by any Impeachment in Parliament at this time, is a Denial of Justice, and a Violation of the Constitution of Parliament, and an Obstruction to the farther Discovery of the Popish Plot, and of great Danger to his Majesty's Person and Government.

' Now the House has done as much as is fit for the Lords, Sir W. Jones. but we do not know how Inferiour Courts will proceed; therefore I'll propose a Vote, That for any Inferiour Court to proceed against Edward Fitzharris, or any other Person lying under an Impeachment in Parliament, for the same Crimes for which he or they stand impeached, is an high Breach of the Privilege of Parliament, &c. [which pass,

Anno 33 Car. II. I would not give occasion to People to say, we do
 1681. things in an extraordinary manner. 'Tis late, and pray
 let's adjourn.

Monday, March 28. 1681.

The Bill for excluding the Duke; &c. read.

Farther Debates
 on the Exclu-
 sion.

Sec. Jenkins.

'No Bill was ever offered in Parliament of the like Na-
 ture, so much against the Justice of the Nation; it con-
 demns a Man never heard, and then 'tis a Law made *ex post*
facto.——Very extraordinary——against the Fundamen-
 tal Justice of the Nation; and not only that, but against
 the Wisdom of the Nation, and will introduce a change of
 the Government. If the Duke will try to cut this Law
 with his Sword, if he overcome, he will have the same
 Power to set aside all Laws, both for Religion and Property:
 the Power will be in the Hands of the Conqueror, and cer-
 tainly he will change the Government. 'Tis against the
 Religion of the Nation, which teaches us to pay Obedience
 to our Governors, whether good or bad, never so faulty or
 criminal. In Primitive Christianity, Obedience was paid to
 Heathen Princes, *in licitis & honestis*; and we are not to do
 Evil, that Good may come of it, nor on the Prospect of any
 good. I shall say one word more, 'tis against the Oaths of
 the Nation, of Allegiance and Supremacy. The Duke is
 the King's lawful Heir, if he have no Son, and in the Eye
 of the Law I am sworn to him, and every Oath is in the
 Sense of the Law-giver. If this Disinheriton pass now into
 a new Law, who dispenses me from that Oath to the King?
 Possibly I am too tedious, and not willingly heard.——
 If the Bill be against the Religion of the Nation, being
 obliged by Oaths, against the Government and the Wisdom
 of the Nation, I hope you will throw it out.'

T. B.

'Sec. J. has moved to throw out the Bill, and desired to
 be heard patiently; I find no body second him, pray let
 him go on and second himself.' Ordered a second Reading.

Sir W. Jones.

'Because there has been much Discourse in the Town of
 the Votes that past on Saturday, upon the Lords Spiritual
 and Temporal rejecting the Impeachment, &c. though I
 believe what is done will be made good, yet I would for the
 present, give the Nation all the Satisfaction we can, that we
 are in the right. Amongst our Misfortunes in being called
 to this Place, we are far remote from Records and Books;
 but yet I think it may be easy to prepare our selves to main-
 tain what we have done. According to the little Light I
 have, I find it the undoubted Right of the Commons, not
 only to bring Impeachments against Lords, but against Com-
 moners too. Magna Charta does not only say, *Per judicium*
Parium, &c. but *per Legem Terræ*, &c. Trial by Parlia-
 ment

ment is *Lex Terra*. I have heard of a Record, 4 E. 3. where *Ann. 33 Car. II.*
 when the Earl of March' ————— 1681.

The Black-Rod came to command their Attendance in the House of Lords, whither they immediately went, and the Lord Chancellor by Command of the King dissolved the Parliament.

The following Speeches of Henry Booth, afterwards Earl of Warrington, spoken in several Parliaments, and on various important Occasions, in the Reign of King Charles II. are thought proper to be inserted here together. *Certain Speeches of Henry Booth, afterwards Earl of Warrington.*

' I wish I could have been silent, and I wish there had not been an occasion for this day's Debate: But since we are brought into this Condition, it behoves every Man to put to his Shoulder to support this tottering Nation: And in this Matter that is now before us, we ought to consider very well, for a great deal depends upon it, and therefore I hope that every Gentleman will speak and vote as God shall put it into his Heart, without any Prejudice or Prepossession. *For the Bill of Exclusion.*

' A Bill to exclude all Papists from the Crown will produce a great many Inconveniencies on both Hands, because his R. H. being a Papist, it will set him aside: Therefore we are to consider which is the lesser Evil, and to chuse that.

' If the Duke be excluded, you are told how unjust it is to take away his Right from him: That the Crown is his Inheritance if he survive the King, and besides you provoke him and all the Papists in England to rise and cut our Throats.

' On the other hand, 'tis plain, that when we shall have a Popish King, our Religion and Laws are not secure one Moment, but are in continual Danger.

' So that the Case in short is this: Whether we shall sit still and put it to the venture of having a Popish Successor, then we must either submit our Heads to the Block, or fight and be Rebels: Or else to have a Law that will justify us in the defending our Religion and Laws: In plain English, whether we would fight for or against the Law. I think I have put it right; and now let every Man make his choice, that loves either his God or his Country.

' As to the Duke's Right to the Crown, I wish it were clearly known what sort of Right it is he claims, and whence he derives it: He is not Heir apparent, neither do I think that our Law knows any such thing as an Heir to the Crown, but only as a Successor: And therefore the Duke nor any other whatever, can pretend the same Title to the Crown, as the Son of a Subject can to his Father's Estate after his decease; for with Subjects they do not succeed but inherit. It is not so as to the Crown, for there they succeed: And it is from a not rightly considering the word

TOM: H.

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Heir,

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Heir, as it is a synonymous Term with that of Successor, that has made so many to be deceived in the Duke's Title to the Crown: For this word Heir to the Crown was not heard of till Arbitrary Power began to put forth. Before William the Conqueror's time it would have been a senseless word, when the People set up and pulled down as they saw Cause: And till Queen Elizabeth it was not much in fashion, when the Crown was so frequently settled by Act of Parliament, and the next of Blood so often set aside; when the Son seldom followed his Father into the Throne, but either by Election in the life-time of his Father, or else by Act of Parliament. So that to make the Duke either Heir apparent or presumptive to the Crown, it must be proved either by the Constitution of the Government, or by some Law or Act of Parliament. If therefore he has a Title to the Crown, it's necessary to know what it is, and whence he has it; but if he has none, it's not unjust to pass the Bill, or any other where he shall be particularly named: But I will say no more of this, lest I may seem to be against kingly Government, which I am not.

If the Duke be excluded because he is a Papist, yet it is no justice: Why will he be of that Religion that the Law endeavours to suppress? The Subjects who are of that Religion forfeit two parts in three of their Estates, and shall any Subject by reason of his Quality be exempted from the Law? I hope not; besides, if a Subject forfeit two parts, it's reasonable that the next of Blood, or any that is of that Religion, should be excluded from the Crown: Because the Law has prohibited all Papists from having any Office civil or military, because their Principles are inconsistent with the Government; and then how preposterous would it be to make him the Head of the Church, and the Preserver of our Laws and Liberties, whose Religion obliges him to ruin and destroy both? So that if the Duke had not by his Practices given us just Causes to except against him, yet barely as he is a Papist he ought to be excluded: But when it is considered that he has held a Correspondency with the Pope and the French King, to subvert our Religion and Laws, what Protection can we expect from him if he be King? It is a senseless thing to imagine, that he will not disturb us in our Religion and Laws, seeing whilst he is a Subject he is practising to destroy us and them: Therefore for my part, I think we betray both our Religion and Laws if we do not pass this Bill.

There is one Opinion which prevails much in the World, which as it is false, so it does a great deal of hurt, and that is this; that every Government in the World was constituted by God himself: But that cannot be so; for it would follow,
that

that God is unjust, which he cannot be. There neither is nor was any Government of that sort but only that of the Jews; the rest of the World were left to themselves, to frame such a Government as suited best their Inclinations, and to make such Rules and Laws as they could best obey and be governed by.

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' Ours is compounded of an absolute Monarchy and a Commonwealth, and the Original of it we have from the Saxons: But be it what it will, or whence it will, it is without question that the first Original of our Kings was, that the People found it for their Advantage to set one over them, because of his Wisdom, Valour, and Justice, and therefore they gave him several Prerogatives above the rest of the People, that he might be the better able to govern and defend them: For there is none of the King's Prerogatives, but are for the good of the Nation if rightly employed. But it will be a strange Conclusion to suppose, that the People obliged themselves to submit to the Posterity of that Man whom they first chose for their King because of his extraordinary Endowments, let them be what they would, and never so unfit for the Government: For the next of Blood may be incapable of governing in several respects; suppose a Fool or Lunatic; by his Principles, if he aim at Arbitrary Power; by his Religion, if he be a Papist or a Heathen; or by his Practices, before he comes to the Crown, to destroy the Religion and Government by Law establish'd.

' Now this I do not say, to argue that the Election of the King is in the People, though, I think, much might be said in that Case, neither is it now the Question; but that which I speak for is, to prove that the next of Blood has not so absolute an inherent Right to the Crown, but that he may for the good of the Nation be set aside.

' There is yet another Inconvenience to allow the next of Blood to have so absolute a Right to the Crown, because the Possession of the Crown takes away all Disabilities, but only such as are by Act of Parliament; which being so, every King must thank his Successor for every Moment that he lives; if he kill him himself, he cannot be questioned for it, because as soon as the one is dead the other is King, for here the King never dies.

' If therefore the next of Blood has so absolute a Right, the King is very unsafe: For though the Duke be not inclined to shorten his Brother's days, nay though he be averse to it, yet in Obedience to the Pope and his Priests, it must be done either by himself or some other Hand, and then how long may we expect his Majesty's Life?

' If Kings were good Men, an absolute Monarchy were the best Government; but we see that they are subject to the same Infirmities.

Anno 33 Car. II. 1681. **Infirmities with other Men, and therefore it is necessary to bound their Power: And by reason that they are Flesh and Blood, and the Nation is so apt to be bad by their Example, I believe was that wherefore God was averse to let the Jews have a King; till they had Kings, they never revolted so wholly from him; when their Kings were good, they were obedient to him; but when they were idolatrous, then the People went mad of Idols. I hope it is no *regis ad exemplum* that makes our Nation so lewd and wicked at this day."**

Against arbitrary and illegal Commitments by the Privy Council,

"There is not any thing that an Englishman can claim as his Right, that we value more than Freedom and Liberty, I mean that of the Body; because Imprisonment is a sort of death, and less tolerable to some than death itself: For by it we are deprived of all our earthly Comforts. What is a Man the better for having never so great an Estate, never so great Honour, or what else is desirable in this World, if he is restrained of his Liberty? Now there are several sorts of Restraints and Imprisonments, and they are all forbidden by our Law, unless the Cause be very just and reasonable; it is not for bare Surmises or vain Stories that a Man shall be imprisoned and hurried from his Abode; but only for such Cause as shall prove that it is for the Good of the Government, and the Support of it, that this or that Man is imprisoned or restrained. Although the Law has taken very good care, yet the Subject is often abused in his Liberty, sometimes by the Courts in Westminster-Hall, sometimes by other Courts and particular Magistrates: But the greatest cause of Complaint proceeds from the Privy-Council.

"The Privy-Council that is, though they have been much to blame in this Particular, yet it is not a new thing that they practise; but this itch of sending for and imprisoning the Subject upon vain Pretences, has descended from one Privy-Council to another, like an Infirmity that runs in a Blood; for no sooner is a Man made a Privy-Counsellor, but this Spirit rests upon him. This Mischief was early espied, even in Henry III's time, and several Laws have been made to restrain the Privy-Council.

"By the 9 Henry III. Chap. 29. it is declared that no Freeman shall be taken or imprisoned, or be diseised of his Free-hold or Liberties, or Free-customs, or be Out-lawed, or any other way destroyed, nor we will not pass upon him, nor condemn him, but by lawful judgment of his Peers, or by the Law of the Land.

"By the 5 Edw. III. 9. it is enacted, That no Man from thenceforth shall be attach'd by any Accusation, nor fore-judged of Life or Limb; nor his Lands, Tenements, Goods

nor

nor Chattels seized into the King's Hands, against the Form of the Great Charter, and the Law of the Land. Anno 33 Car. II. 1681.

' By 25 Edw. III. Chap. 4. it is declared, That from thenceforth none shall be taken by Petition or Suggestion made to our Lord the King, or to his Council, unless it be by Indictment or Presentment of his good and lawful People of the same Neighbourhood, where such Deeds be done, in due manner, or by process made by Writ original at the common Law, nor that none be out of his Franchises, nor of his Freeholds, unless he be duly brought in answer, and fore-judged of the same by the Course of the Law. And if any thing be done against the same, it shall be redressed and holden for none.

' By 28 Edw. III. Chap. 3. it is established, That no Man, of whatever Estate or Condition he be, shall be put out of Land or Tenement, nor taken, nor imprisoned, nor disinherited, nor put to death, without being brought in answer by due process of Law.

' And by 37 Edw. III. Chap. 18. it says, Tho' it be contained in the Great Charter, that no Man be taken or imprisoned, nor put out of his Freehold, without process of Law, nevertheless divers People make false Suggestions to the King himself, as well for Malice as otherwise, whereof the King is often grieved, and divers of the Realm put in Damage, against the Form of the same Charter: Wherefore it is ordained, That all they which make Suggestion, shall be sent with the same Suggestions before the Chancellor, Treasurer and his Grand Council, and that they there find Surety to pursue their Suggestions, and incur the same Pain that the other should have had if he were attainted, in case that his Suggestions be found evil: And that then Process of the Law be made against them, without being taken and imprisoned against the Form of the said Charter, and other Statutes.

' In the 38 Edw. III. Chap. 9. is contained the Informers punishment, in these Words; it is assented, That if he that maketh the Complaint, cannot prove his Intent against the Defendant by the Process limited in the same Article, he shall be commanded to Prison, there to abide till he hath made gree to the Party of his Damages, and of the slander that he hath suffered by such occasion, and after shall make fine and ransom to the King. And the Point contained in the same Article, that the Plaintiff shall incur the same Pain, which the other should have if he were attainted, shall be but in case that his Suggestion be found untrue.

• ' And still there is another Law made 42 Edw. III. Chap. 3. in these Words: At the request of the Commons, by their Petitions put forth in this Parliament, to eschew the Mischiefs

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chiefs and Damage done to divers of his Commons by false Accusers, which oftentimes have made their Accusations more for Revenge, and singular Benefit, than for the Profit of the King or his People; which accused Persons, some have been taken, and sometime caused to come before the King's Council by Writ, and otherwise upon grievous Pain against the Law: It is assented and accorded for the good Governance of the Commons, That no Man be put to answer without Presentment before Justices, or Matter of Record, or by due Process, and Writ original, according to the old Law of the Land And if any thing from henceforth be done to the contrary, it shall be void in the Law, and holden for Error.

These are Laws that are as much in force as any Statutes whatever, and ought to be as duly observed: But I beseech you consider to what a Degree they have been violated by the Privy Council: How have they sent for Gentlemen from all Parts of the Nation, upon meer Flammes and Stories? No Man could be quiet, but upon any groundless Pretence away went a Messenger, to bring up that Man, not considering the great Charge and Trouble they put the Gentleman upon by it. I will mention only that of Sir Giles Gerrard; he was sent for up by a Messenger, to answer to I know not what Business about a Black-Box, and who charged him with it: But when he came to be examined it proved nothing but Town talk, and what a po'her did they make? In our Country when a Man makes a great stir about a Matter, and it ends in nothing that is significant, we say, Billy has found a Pin: So I pray what did this Hurly-burly of the Black-Box end in, but nothing that was worth a Straw? And to this mighty purpose Sir Giles was fetched from his House in the Country: And several other Gentlemen have been thus used against Law and Reason. It is strange the Privy-Council should not remember the Bill of Habeas Corpus, which passed in the last Parliament, that might have brought to their Remembrance these Laws that I have mentioned, and might farther convince them how precious a thing we esteem our Liberty: It puts me in mind of the Petition of Right, and what I have heard and read after it was passed, how soon it was violated and broken.

The Privy Council has been very unjust to these Gentlemen whom they have molested by their Messengers, in that they have not made their Accusers to find Sureties to make good their Accusations as the Law requires, 37 Edw. III. 18. for then idle Stories would not be so current, by reason of the Punishment inflicted on those false Accusers by 37 Edw. III. 18. and 38 Edw. III. 9. which Laws are grounded upon the Word of God, Deut. xix chap. 18. and

and 19. ver. But now such Fellows as are mentioned in the 37 Edw. III. 18. and in 42 Edw. III. 3. who make their Accusation for Malice, or for Revenge, or singular Benefit, more than for the Profit of the King, or his People; these, I say, shall be allowed to accuse honest Men, though they cannot prove a Word of what they say: And for these Devices are we to be forced from our Habitations to appear before the King and his Council? Methinks it's hard Play, and yet what Remedy have we left but to sit down and be quiet? But without doubt the Land intended a Redress in these Cases, for 25 Edw. III. 4. says, that whatever is done contrary to that Law shall be redressed and holden for none; but it does not tell us how Satisfaction is to be had. But since it is left uncertain, I hope for the future we shall so order it, that every Man may have Relief against this great Oppression, and that I humbly move; for if we let this alone, we leave an arbitrary uncontrollable Power in the Privy-Council, which will never stop till it has made the Law subject to them.

' But I have heard it objected, that if this Power of sending for People be not allowed to the Privy-Council, then you put them in a worse Condition than any Justice of Peace, because by his Warrant he can send for any body in the County where he lives. I must in the first place deny this altogether; for the Consequence is not true: In the next place, I say, that the Law is the best Judge of this, whether the Privy-Council ought to have such an unlimited Power, and what the Law has determined over and over again ought not to be disputed by us; besides, it is a thing of dangerous Consequence, to put Discretion into the Balance with so many written Laws, which conserve so dear a thing as our Liberty.

' But the Power of the Privy-Council is not hereby made less than that of a Justice of Peace; for a Justice of Peace, it is to be supposed, will not send out his Warrant but upon a just and reasonable Ground: What Justice of Peace ever sent out a Warrant of the good Behaviour against any Person, but he either first heard the Party accused, (which is the juster Way) or else the Matter was proved upon Oath? Or when was any Warrant of the Peace issued out, but it was grounded upon the Oath of him that demanded the Surety of Peace? And whatever Warrants or Precepts are granted by a Justice of Peace, they ought to be for just Causes, or else he violates his Trust: So the Privy-Council may, upon a just Accusation, send for any Person, but without that they cannot; and therefore I do not see wherein a Justice of Peace has a greater Power than the Privy-Council; or if he had, yet it would not be so great a Mischief,

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for he can only send for any Person that is in the County: but the Privy-Council are not limited to this or that County, but their Power extends all over England.

‘ But besides, it is unjust to be punished without a Cause, and Restraint or being debarred of Liberty is a Punishment; and whoever he be that would have the Privy-Council to exercise this Power, when he has known what it is to be brought up by a Messenger upon an idle Story, let him then tell me how he likes it, and answer me if he can.’

Against the
Votes of Bishops
in Cases of
Blood.

‘ Of all the things that were started, to hinder the Success of the last Parliament, and is like to be so great a Stumbling-block in the next, that of the Bishops voting in Case of Blood, was and will be the chief. Now they that deny that the Bishops have Right to vote in Case of Blood, do labour under two great Difficulties: First, because this is a new Thing, at least it is very long since the like Case has come into debate: And next, because they are put to prove a Negative, which is a great Disadvantage. But Truth will appear from under all the false Glosses and Umbrages that Men may draw over it: And I doubt not to make it evident, that the Bishops have no Right to vote in Case of Blood; at least I hope I shall not be guilty of Obstinacy, if I do not alter my Opinion till what I have to say be answered.

‘ It is strange the Bishops are so jealous of their Cause, as not to adventure it on their great Diana the Canon-Law; by which they are expressly forbidden to meddle in Case of Blood. Perhaps they would do, by the Canon-Law, as it is said by the Idolaters in the Old Testament, that of part of the Timber they made a God and fell down and worshipped it, the rest of it they either burnt in the Fire, or cast it to the Dunghill: For they tell you that the Canon-Law was abolished by the Reformation, and that none but Papists yield Obedience to it; and therefore now they are not tied up by the Canon-Law, but may sit and vote in Case of Blood if they please. I should be very glad if they were as averse to Popery in every thing else, and particularly that they would leave Ceremonies indifferent, and not contend so highly for them, whereby they make the Breach wider, and heighten the Differences among Protestants; in the doing of which they do the Pope's Work most effectually. I wish they would consent to have a new Book of Canons; for those that are now extant are the old Popish Canons. I like Bishops very well; but I wish that Bishops were reduced to their primitive Institution; for I fear whilst there is in England a Lord Bishop, the Church will not stand very steadily. But I will leave this (though I need say no more)

and proceed to other Things that are very clear, as I conceive. Anno 11 Car. II.
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‘ My Lord Coke in the *second Part of his Institutes*, the first Chapter, treating of *Magna Charta*, when he reckons up the Privileges of the Church, he tells us, that Clergymen shall not be elected or have to do in secular Office; and therefore he tells us, that they are discharged of such and such Burdens that Lay-Persons were subject to; and good reason it should be so, that they might with greater Ease and Security attend the Business of their Function, that is, to govern and instruct the Church: But whether they had these Immunities granted them, that they might study the Pleas of the Crown and Law-Cases, or else that they might apply themselves to the Work of the Ministry, let any Man judge; for, saith he, *Nemo militans Deo, implicet se negotiis secularibus*: And if to sit and judge in Case of Blood be not a secular Matter, I have no more to say; and I hope my Lord Coke’s Authority will be allowed

‘ And because as, I conceive, that my Lord Coke’s Authority may pass muster in this Point; I will offer some Things out of him, that will make it evident that the Bishops are only Lords of Parliament, and not Peers; and if so, it is against the Law of England for them to sit and judge upon any Peer for his Life; for the Law says, that every Man shall be tried by his Peers.

‘ In the second Part of his Institutes, the first Chapter, he tells us, that every Archbishop that holds of the King *per Baroniam*, and called by Writ to Parliament, is a Lord of Parliament; But in the 14th Chapter, when he reckons up who are *Peers* in the Lords House, he says not a word of the Bishops, but repeats all the other Degrees of Lords, as Dukes, &c. And without doubt he would not have made so great an Omission, if the Bishops ought to have been taken into the Number.

‘ Besides this, if the Bishops be *Peers*, how comes it to pass that an Act of Parliament shall be good to which their Consent is not had, passed by the King, Lords Temporal, and Commons? But it was never allowed for an Act of Parliament where the Lords Temporal had not given their Vote: And for Proof hercof see my Lord Coke, in his chap. *De Asportatis Religiosorum*, where he gives you several Instances of Acts of Parliament that passed and the Bishops absent.

‘ But then in the third Part of his Institutes he there puts the Matter out of all Controversy, and shews that Bishops are to be tried by Commoners; for, says he, in the second Chap. treating of Petty-Treason, None shall be tried by his Peers, but only such as sit there *ratione Nobilitatis*, as

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Dukes, &c. and reckons the several Degrees; and not such as are Lords of Parliament *ratione Baroniarum, quas tenent in jure ecclesie*, as Archbishops, and Bishops, and formerly Abbots and Priors: But they (*said he*) shall be tried by the Country, that is, by the Free-holders, for that they are not of the Degree of Nobility. So that with submission this is as clear as any thing in the world.

‘ If the Point be so clear that the Bishops may vote in Case of Blood, it would do well that some Precedents were produced, by which it might appear that they have ever done it, at least that they have made use of it in such Times when the Nation was in quiet, and Matters were carried fairly; for Instances from times of Confusion or Rebellion, help rather to pull down than support a Cause: But my Lord Coke, in his chap. (that I mentioned even now) *De Asportatis Religiosis*, gives you several Precedents where the Bishops when capital Matters were to be debated in the Lords House withdrew themselves, particularly 2 of Rich. II. the Archbishop of Canterbury made a solemn Protestation in the Parliament for himself and the Clergy of his Province, for that Matters of Treason were to be entreated of, whereat by the Canonical-Law they ought not to be present, they therefore absented themselves.

‘ But in regard I have hitherto vouch’d my Lord Coke for what I have said, I desire that it may be observed, that he wrote since the Reformation, and what was Law when he wrote is Law at this Day, unless it be changed by some Act of Parliament made since; and therefore he that denies my Lord Coke to have written Law, must produce some Act of Parliament, whereby it does appear that the Law is altered since his Time. Besides this, the Bishops and other Clergy were called to Parliament very uncertainly, sometimes more, sometimes fewer, and sometimes none at all, as it was in Edw. I’s Time.

‘ Therefore seeing the Case to be thus, That the Bishops are not Peers, but only Lords of Parliament; That an Act of Parliament is good though they be absent; That they are to be tried by Commoners; and that when capital Matters were to be debated, they have withdrawn themselves, declaring at the same time, that they ought not to have to do in such things; and also that they have not so absolute a Right to sit and vote in the House as the Temporal Lords have, because they are called to Parliament so uncertainly; I shall be glad to hear what can be said to make their Right unquestionable: But if all this were set aside, yet it remains on their part to prove that they have sat in Judgment upon the Peers. I am apt to believe, they will be hardly put to it to produce any Precedent out of good

Times, when the Nation was in quiet, and the Law had its Course; nay, I think they can scarcely find any, that the Proceedings of that Parliament when it was done, were not repealed by Act of Parliament, and stand so at this Day: And I should also be glad to see, that when a Peer has been tried out of Parliament, that any Bishop was ever nominated to sit upon that Lord accused; for out of Parliament, if a Peer be tried for his Life, it is by a select number named by the King; and if the Bishops have Right to sit and vote upon the Peers, it is strange methinks that there is not any instance to be found, where the Bishops or any of them have been named to judge a Lord out of Parliament. Now the Reason (as I conceive) how this comes to pass is, because it was never known that a Bishop was tried by the Lords out of Parliament, and therefore they cannot try a Lord out of Parliament, because they are not Peers; for the Lords have never tried any Bishop but in Parliament, and that was always upon Impeachments, and not otherwise: And upon an Impeachment they may try other Commoners as well as Bishops.

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‘ Besides this it is plain, that the Clergy, even in the time of Popery, would not have to do with blood in any case whatever: For when they engrossed all Offices and Places of Honour or Profit, you shall not find any Bishop that was Lord Chief Justice of the King’s Bench, or Judge of any Court where mens Lives were to be meddled with; and the Clergy were not so ignorant or backward in their interest, as to let slip such profitable places, had it suited with their function.’

‘ I have often considered with myself, what it is that has induced so many of the temporal Lords to contend for the Bishops in this case: I cannot perceive but that it is against themselves that they strive; for without doubt, the fewer the temporal Lords are, the more considerable they are; and why they should strive to make themselves less, I cannot comprehend; neither can any reason be assigned, but that which is obvious to every man’s thoughts, That there is some secret power that governs their Lordships in this affair: But without doubt this powerful hand would not be able to turn the scales so very much, if Nobility had been bestowed only on such as deserved honour. But when Interest prevails above Merit, no wonder that a word or a look do command so absolutely; and yet there is this to be said for the Lords House, that there are a great many Lords who retain the worth and honour of their Ancestors: That notwithstanding being frowned upon, displaced, and all possible discouragements, yet have they shewed themselves to be men of English principles; that they will serve the King as Englishmen, but will not give up any of their just Rights to please him.

‘ If the Bishops had never so clear a Right in this matter, yet it is to be considered, whatever Right they have, that

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it was gained in the times of Superstition and Blindness, when the Clergy usurped and lorded it over the Nation; and therefore in regard that England has now recovered its eyesight and understanding, they are very unthankful if they do not reduce every thing to its proper station: And if the Bishops are prohibited by a Law not to vote in case of Blood, or are abridged in any other matter where the interest of the King and People require; yet the Church is not prejudiced, for my Lord Coke tells us in the second part of his Institutes; *Nec debet dici in præjudicium ecclesie libertatis, quod pro rege, & reipublica necessarium invenitur*: And whether it be not for the interest of the King and People, that the Bishops shall not vote in case of Blood, I submit to any man that wishes well to England.

Now I would fain be satisfied why our Bishops are more forward to have to do in case of Blood, than the Bishops and Clergy in the time of popery; it's plain they always declined it; but ours will adventure a Kingdom upon it: It's true they will withdraw upon the trial of the five popish Lords, but they will not upon trial of my Lord Danby's pardon; yet thus far they condescend, that when Judgment is to be pronounced, they will withdraw: very well, First, it is confessed on all hands, that if my Lord Danby's pardon do not hold good, he dies for it: And next, I would willingly understand the difference in this case, when a Man is tried for his life before several Judges, and all of them, though he is innocent, resolve that he shall be pronounced guilty, but they withdraw themselves, and leave one of their Brethren to pass the sentence: Now the question is, whether the rest that were absent are not as guilty of shedding innocent Blood, as he who pronounced the sentence: And so on the contrary, for any other thing whatever: And whether this does not reach the case in hand I humbly submit. But the truth of the matter is, the Bishops do know, that if my Lord Danby's Pardon be allowed, then arbitrary Power comes in: And then will be, their harvest, and here's the short and long of the Case: And therefore the Parliament must never yield that the Bishops shall vote in case of Blood; for the consequence of it will be to alter the very Frame of our Government, and cursed be he that removes his neighbour's Landmark.

Against Pensioners in Parliament.

Without doubt the last Parliament had great matters in agitation, and the Enquiry they made about the Pensioners of the preceding Parliament was no small one, but rather one of the chief things they had in hand; for had they been permitted to have perfected that, it had been a good recompence for the disappointment which the Nation sustained in their other expectations, by the sudden prorogation: And without

without all question, nothing is fitter for the thoughts of a Parliament, than to take into Consideration how to punish them that had proved the pest, and had almost (if not altogether) ruined the Nation; and how to prevent the like mischief for the future.

‘ The Name of a Pensioner is very distasteful to every English Spirit; and all those who were Pensioners I think are sufficiently despised by their Countrymen: And therefore I will mention only two or three things that will lie at their doors, before I offer my advice what is to be done:

‘ Breach of Trust is accounted the most infamous thing in the World, and this these Men were guilty of to the highest degree; robbery and stealing our Law punishes with Death, and what deserve they who beggar and take away all that the Nation has, under the pretence of disposing of the People’s Money for the honour and good of the King and Kingdom? And if there were nothing more than this to be said, without doubt they deserve a high censure.

‘ Besides the giving away such vast sums, without any colour or reasonable pretence; there is this great mischief will follow upon it: Every Man very well knows that it has put the King into an extraordinary way of expence: And therefore when he has not such great Supplies, it must of necessity bring the King into great want and need: And shall not only give him an ill opinion of all Parliaments, that do not supply him so extravagantly, but perhaps put him to think of ways to get Money that otherwise would never have entered into his thoughts; so that whatever ill may happen of this sort, these Pensioners are answerable for it.

‘ Farthermore, they have laid us open to all our Enemies; whoever will invade, may not doubt to subdue us: For they have taken from us the Sinews of War, that is Money and Courage; all our Money is gone, and they have exhausted the Treasure of the Nation; and when People are poor, their Spirits are low, so that we are left without a Defence; and who must we thank for bringing us into this despicable Condition, but these Gentlemen, who notwithstanding this had the face to stile themselves the King’s friends, and all those who opposed their practices were factious and seditious. They had brought it to that pass, that Debates could not be free; if a Gentleman’s Tongue happen to lie a little awry in his Mouth, presently he must be called to the Bar; or if that would not do, whensoever any Gentleman that had a true English Spirit happened to say any thing that was bold, presently away to seek the King and tell him of it; and oftentimes more than the truth: And thus they endeavoured to beget an ill opinion in the King of his best Subjects: And their practice was the more abominable, because their words
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and actions gave the occasion to force those smart expressions from the Gentlemen that spoke them; for their honest Hearts were fired with true zeal to their King and Country, when they beheld the impudence and falshood of those Pensioners.

'It is true we find that in or about the 10th Year of Richard II. it was endeavoured to get a corrupt Parliament; for our English Story says, that the King sent for the Justices and Sheriffs, and enjoined them to do their best; that none should be chosen Knights and Burgeses, but such as the King and his Council should name; but we find it could not be effected.

'The next that occurs to my Thoughts is that in the 4th Year of Henry IV. the Parliament that was called at Coventry, named the Lay-Men's Parliament; for the Sheriffs were appointed that none should be chosen Knights or Burgeses, that had any Skill in the Laws of the Land.

'The next that I remember is that in Henry VI's time, in the Year 1449, or 50, when the Duke of Suffolk was accused by the Commons, and committed to the Tower; the King dissolved that Parliament not far unlike our Case of my Lord D——, but it differs in this, that Suffolk was committed to the Tower as of right he ought, but we were denied that Justice against D——; only Henry VI. made the Cases thus far even, that he set Suffolk at liberty after he had dissolved that Parliament: Soon after a Parliament was called, wherein great Care was taken in chusing of Parliament Men that should favour Suffolk; but they so far failed of their purpose, that his Appearance at the Parliament gave great distaste to the House of Commons, and they were so far incensed, that they began the Parliament with a fresh Accusation against him and others: So that you may see that it was not in the power of the Court to corrupt the House of Commons.

'In the time of Henry VIII about the 20th Year of his Reign, when the Parliament was active against Pluralities and Non-residence, there was an Act passed to release to the King all such Sums of Money as he had borrowed at the Loan, in the 15th Year of his Reign; it is said that it was much opposed, but the Reason that is given why it passed, is, because the House was mostly the King's Servants; but it gave great Disturbance to the Nation: And this is the only Case that I can remember that comes any thing near to our Pensioners; but we cannot find that they or any Parliament took Money to vote: So that we must conclude that there were never any Pensioners in Parliament till this Pack of Blades were got together.

'Therefore, Sir, what will you do? Shall these Men escape, shall they go free with their Booty? Shall not the Nation have

have Vengeance on them, who had almost given up the Government? It was they who had perverted the Ends of Parliaments: Parliaments have been and are the great Refuge of the Nation, that which cures all its Diseases, and heals its Sores: But these Men had made it a Snare to the Nation, and at best had brought it to be an Engine to give Money; if therefore these go away unpunish'd, we countenance what they have done, and make way to have Pensioners in every Parliament; but far be any such Thought from any Man that sits within these Walls: And having said this, I will in the next place humbly offer my Thoughts what is to be done.

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' In the first place I do propose, that every Man of them shall on their Knees confess their fault to all the Commons, and that to be done at this Bar one by one.

' Next, that as far as they are able, they refund all the Money they have received for secret Service. Our Law will not allow a Thief to keep what he has got by stealth, but of course orders Restitution, and shall these proud Robbers of the Nation, not restore their ill-gotten Goods?

' And lastly, I do propose that they be voted incapable of serving in Parliament for the future, or of enjoying any Office civil or military; and order a Bill to be brought in to that purpose: For it is not fit, that they who were so false and unjust in that Trust, should ever be trusted again: This Sir is my Opinion, but if the House shall incline to any other way, I shall readily comply, provided a sufficient Mark of Infamy be set on them; that the People may know who bought and who sold them.'

' A King of England at the Head of his Parliament is in his full Strength and Power, and in his greatest Splendor and Glory: It is then that he can do great things, and without a Parliament he is not very formidable. Therefore when Kings leave off the use of Parliaments, and rely upon the Advice of particular Favourites, they forsake their chiefest Interest, they lay aside the Staff that supports them, to lean upon a broken Reed that will run into their Hands; and this is proved by the Example of former Kings: What Kings performed such Enterprizes, and did such wonderful Things, as those who still consulted their Parliaments? And who had more the command of the People's Purfes than those Kings who met the Natives frequently in Parliament? As witnes Henry I. Edward I. Edward III. Henry V. Henry VIII. Q. Elizabeth, and what Kings were so mean and obscure, despised by their Neighbours, and abhorred by their Subjects, as those who left off the use of Parliaments and doted upon their Favourites: As witnes Will. II. John, Henry III. Edward II. Richard II. Henry VI.

For Parliaments, and against Favourites.

And

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And I think it is undeniable that when the King leaves off Parliaments, he forsakes his Interest, he refuses the Good and chuses the Bad.

‘ I wish it could not be said that for two Years last past, the use of Parliaments has almost been laid aside: It is too true that Parliaments have been delayed, and there is but a little between delaying and denying, and the first Step to a denial is to delay: Every Man knows the great need we have had of a Parliament these seventeen Months, and why it has not met till now: It is very well known how earnestly it was desired by all good Protestants and true Englishmen, and what Applications have been made to His Majesty that it might sit; and it could not be obtained till now: And it is not to be forgotten how often it has been prorogued, and the notice that has been given to the Nation of the several Prorogations; the first time that we have heard of them was by the Gazette, in which is seldom any thing of truth, and then out comes a Proclamation for a prorogation about a day or two before the Day of meeting: When Gentlemen have disposed their Affairs that they may attend at the Parliament, and possibly were on their Journey towards London, upon the Road they meet the News of the Prorogation, (very good Usage!) and there is nothing to be said in justification of such short notice, but that when His Majesty by his Proclamation had appointed a farther time for the meeting of the Parliament, that in plain English no Man must believe it would meet: For if Gentlemen did believe it, they would prepare for it; and if they are prepared, it is but reasonable that sufficient notice should be given to prevent them: Certainly they who advised the King in this Matter, intended that none of His Majesty’s Proclamations should have any Credit: For His Majesty put out several Proclamations against Papists, and we see how they are regarded, not the least Obedience yielded to them: And this giving of such short notice, was certainly done on purpose that those Proclamations should neither be obeyed nor believed. Thus is the King abused, thus does he lose the Hearts of the People, and thus is the Nation abused: What will become of us when we cannot believe what His Majesty says. Out of Parliament the King cannot speak to his People in a more notable way than by Proclamation, and as the Matter is ordered, these are not regarded: In a Subject nothing is more infamous, than to say of him, that his Word is not to be relied on, he does not regard what he says: And therefore what Villains are they, who by their Advice, do bring the King but into the suspicion of it.

‘ This delaying of Parliaments seems to portend the laying of Parliaments aside; and if so, an Army will follow: for the

the King must govern either by a Parliament or an Army, for one of them he must have; now the way to get rid of Parliaments is this: First, although they meet sometimes, yet something must be started to hinder their Success; or if that won't do, prorogue or dissolve them before any thing be finished: and thus Parliaments will be made useles; and this being done, it will not be long before they become burdensome, and then away with them for good and all.

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'Kings only then grow out of Conceit with Parliaments, when their Favourites are so overgrown, and their Actions are so exorbitant, that they will not endure to be scanned by a Parliament: And therefore to save themselves, they persuade the King to keep off the Parliament, though it be to his great hurt: For the last Trump at the Day of Judgment will not be more terrible to the World, than the Sound of an approaching Parliament is to unjust Ministers and Favourites.

'That State is sick of a grievous Distemper, when Kings neglect their Parliaments, and adhere to Favourites, and certainly that Woe is then fallen upon the Nation, which Solomon denounces; for says he, *Woe to that Nation whose King is a Child*; and without question he meant a Child in Understanding, and not in Years. We have had in England Kings who when they were Children, by the help of a wise Council, have governed very well: But after that they took Matters into their own Hands, it went very ill with England; as Richard II. Henry VI. who whilst they were Children, the Government was steered aright; but their Understanding not growing as fast as their Years, they assumed the Government before they were ready for it; and so managed Matters, that it is better not to name them, than to reckon them in the Catalogue of the Kings.

'And there is yet another Reason why great Favourites should advise against Parliaments: Kings that dote too much upon their Favourites, do for the most part pick up mean Men, People of no Fortunes or Estates, upon whom it is that they place their Favour to so high a degree: And therefore it is for their Interest to advise the King to govern by an Army, for if he prevails, then they are sure to have what Heart can wish; or if he fail, yet they are but where they were, they had nothing, and they can lose nothing.

'There is no Man but very plainly sees, that there are People about His Majesty who advise him to shake off the Fetters of the Laws, and to govern arbitrarily; and I wish that their Advice has not prevailed for the most part; yet I think His Majesty's own Inclinations do not bend that way, for he seems to love quiet and ease, which no Prince

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can have that rules by an Army: Therefore, before we can expect that His Majesty will come in to us, these People of arbitrary Principles must be removed from his Throne; for, whilst there are the same Advisers, we must expect the same Advice; whilst there are the same Counsellors, we must expect the same Results: And this alone will not do it, 'tis but the first Step to our Happiness; the Principles or Maxims of State must be removed, it's not taking away this or the other Man, and putting in another to act by the same Rules, that will cure our Disease; but it's the change of Principles that must do it.

' You may remember in the last Parliament the change that was made in the Privy Council, and Ministers, and upon the first News of it, I met with a Gentleman that had a great service for White Hall; says he, I hope now you are pleased, what can you expect more from His Majesty? I replied, I like it well; yet not so very well, for said I, all is well that ends well, for all is not Gold that glisters: I am not sure, that these Men that are put out, have not left their Principles behind them; when those are gone, I shall like it very well. The Man was angry, and hung away, saying, you are hard to please; and says I, you are easy, and so we parted.

' And I pray you, how much Wool have we had after all this cry, what Benefit have we reaped by that change? Do not we see, that unless they would act by the Maxims of their Predecessors, they must do nothing; and therefore several did desire leave to go off? Some of these worthy Lords and Gentlemen that did so are now in my Eye, and I shall ever honour them for it: I cannot forget the Promises made to the Parliament at the same time, and how well they have been kept.

' Therefore I think it's very plain, that till these Principles are removed from White-Hall, that all our Labour and Pains will end in nothing: The way then as I conceive to do this, is to lay before His Majesty the state of the Case; let us shew him how unable these Men are to serve him, and how destructive to his Interest it is to follow their Advices; and that he can be safe and great only by closing with his Parliament.

' Would His Majesty be safe, alas, what can his Creatures do? Just nothing, they have no Power, nor have they Will farther than it serves for their own Advantage: But His Majesty is safe in his Parliament, for it is the Interest of every Man in England to preserve and defend His Majesty's governing by his Parliament.

' Does he want Money to make him easy? I pray what can he expect from the Caterpillars his Favourites? Their
care

care is not how to serve him, but to make their own fortunes: But from his Parliament he need not want very plentiful Supplies, to preserve the honour of himself and the Kingdom. Anno 33 Car. II.
1681.

Would he maintain his Dominions and Rights, what can his Creatures do? But when he closes with his Parliament, he can neither want the Heads, Hearts, nor Purse of his People to serve him: So that whatever his Majesty would have, it is only to be had by his Parliament: For his Favourites cannot in the least contribute to make him safe or honourable; or whatever else a King may want or desire: All the use a King can have from his Favourites, is to have stories and lies to set him at variance with his People. I hope when the case is laid before his Majesty, that he will close with us; but if his Judgment is so prepossessed, that it will not convince him of his Interest, then we must conclude, that it is with him as it was with Rehoboam, who forsook the council of the old Men, and inclined to that of the young Men, who counselled him to tell the People that his little finger should be thicker than his father's loins: And I pray what was the effect of that huffing Speech? Why ten Tribes were taken from him, and it was not his young Men that could recover them for him again; neither was it without a Parliament that his Majesty was brought into England; I hope his Majesty has not forgot it.

Let them advise what they will, but I am confident they will think on't a good while, before they will adventure to put those arbitrary Councils into execution; it will prove a hot matter to handle: For though I hope no Man here will lift up his hand against his Majesty, yet we may oppose any Man that does seek to invade our Properties: And for my own part, I will pistol any Subject, be he the greatest in England, that shall endeavour to deprive me of my just Right: Let us do what we can to effect an Union between the King and his People, and leave the success to God Almighty, and his Will be done.

I was in hopes that some Gentlemen would have prevented me in what I have to say, for I fear the House is under a great mistake, as to those Gentlemen of the House who are put out of the Commission of the Peace: For it is to speak to that chiefly I stand up: I acknowledge that it is an unanswerable thing, that other Gentlemen were put out; but no doubt it was upon very weighty and warrantable grounds, that the Gentlemen of the House were put out.

For without doubt his Majesty, or whoever he be that advised him to it, did think it reasonable, and were sensible, that we who attend the Service of our Country in this place, do spend our Time and Money, and neglect our own Affairs,

On putting certain Justices out of Commission.

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1681.

and therefore when we come home, it's fit that we have a Time of Rest, and that we be eased both in our Bodies and Purse, and be at leisure to settle our own Concerns; and not that we should be tossed from one chargeable and troublesome Employment to another: So that we have great cause to be thankful for the care that is taken of us.

' Besides, there is a farther regard had to us; for this is a dangerous time to put the Laws in execution against the Papists, because there are examples where Magistrates, some have been murdered, others attempted to be assassinated for putting the Laws in execution against the Papists, and because we appeared to be zealous in it, therefore this care is taken of us: I suppose that might be the chief Reason why I was put out, because I have help'd to convict above five thousand Papists in Lancashire.

' And farthermore it was necessary to know how we stand in the thoughts of our Countrymen, whether they have a good Opinion of us now we are turned out of Office, because it looked like a designed Disgrace: For my part it has gained me ground, and I believe every Gentleman else finds his Countrymen not to esteem the worse of him, I rather think, better; therefore seeing our Countries believe us to be honest Men, there's no great question but we shall be in great esteem at Whitehall, now they have had this trial of us: For Whitehall is very apt to incline to the Opinion of the Country: And that Cart is not well upon the wheels, when it is otherwife.

' Therefore for my part I am very thankful that I am put out. I will assure you I find my Purse the fuller for it, and I find my Country to pay me altogether as much respect, if not more than formerly: There is but one thing that I grudged to part with, and that was the Office of *Custos Rotularum*, which had been in my Family for several generations, and for that I hoped a particular Reason might have been assigned why they took it from me, but from that Day to this I cannot learn what was the cause: It is gone, and farewell it: And that's all the loss I had, by being put out of the Commission of the Peace. I have done with ourselves, and now give me leave to speak a little concerning other Gentlemen who are put out, and no Reason given for it.

' When any Gentleman is made a Justice of Peace, it is out of respect to him, and for the good of the Country, because he is supposed to be honest and able; and without dispute no Man ought to be put out, but either that he is unfaithful, unwilling to do his Part, or else that he does not understand it: And it is a great Injustice to any Gentleman to put him out without hearing him; for to judge a Man unheard is not allowed by the Law. And what is it, but

to judge a Man's Reputation, a Thing most dear to every honest Man? For in any Age but this, it would be a great Reflection upon a Gentleman to be turned out of the Commission of the Peace: But God be thanked, the Nation sees very plainly who and what sort of Persons rule the roast. By all the Enquiry I can make, I do not find that any Man is put out, but such as were very active against the Papists, such as are against Arbitrary Power, and such as approved of the Bill against the Duke: I wish they would give the Reason why one Gentleman was put out in my County, for besides myself there are but two put out; the one was newly put in, and had not acted; the other is an ancient Justice of Peace, and a Man that cannot be reprehended in relation to the Discharge of his Trust; without Reflection or Diminution to any Man, I think he knows the Work of a Justice of Peace as well as any Man in England, I except no Man: And for his Integrity, he may set all Men at defiance to accuse him of the least Partiality in the discharge of his Trust; and I do know that no Man made it more his Business than he did, that he might ease and serve the Country: For as his Ability was not inferior to that of any other Man, so did he most duly put the Laws in execution, especially those against the Papists. And therefore, Sir, on the Behalf of my Country I must complain, and demand to know the Reason why he was put out; we are greatly hurt, we are deprived of a great Assistance and Relief, and we cannot be quiet till we are satisfied in that Particular: And my Lord Chancellor or the Privy-Council (whichever of them it is that put him out) will they not tell us why? Are they ashamed to own the Cause? What will it not bear Water? I hate this as I do Arbitrary Power and Popery. Brave World! that we must be debarred of the Benefit of our Laws; for if they are not executed, they signify nothing: It is that which gives Life to our Laws; and they that do execute them are put out of Office; this is a fair Step to arbitrary Power, to deprive us of the Benefit of Law. It is the same thing not to have Laws, as to have Laws and not executed: I say no more, lest I may seem to speak in my own Case, for I do not desire to have any thing done as to my own Particular, but as to the Gentleman, whose Character I have given you, and his Name I will acquaint you with, it is Sir Thomas Manwaring, you must give me leave to be importunate, and press it again and again, that he may be again put into the Commission of the Peace.

Anno 33 Car. II.

1681.

‘ I would be as backward to commit Oppression, as I will be to do any thing that God has forbidden me: For in all our Actions betwixt Man and Man, both public and private,

if

For the Banishment of P.pists.

Ann 33 Car. II.
1681.

if we observe that golden Rule, to do as we would be done by, we cannot err: And if my Conscience should tell me that I transgressed that Law, when I give my Vote to banish the Papists, I will assure you I would not violate either that Rule or my Conscience; I would now be silent, and give my Vote the other way.

But that Rule does not so strictly tie us up, as that we must forget ourselves, our Posterity, our Laws, or our Religion; it does not oblige any Man to hurt himself to save another; neither does it require that a whole Kingdom shall be lost to save particular Men; For Charity begins at home; but when the Papists are considered in their Principles and Practices, then let any Man deny if he can, that the Papists themselves are the Cause of whatever happens to them.

I will mention but one or two of their Principles, because I doubt not but every Gentleman here is very well informed of them.

The first that I will speak to, is this, that Faith is not to be kept with Heretics: And this Liberty extends to every Thing, both as to Religion, and worldly Affairs: It is the same thing to them whether they speak Truth or no, when they have to do with a Heretic, as they esteem every Man that is not of their Faith, so that you cannot tell when to believe them, nay, though they swear it, for to equivocate is a great Part of their Religion.

The next is this, That it is meritorious to promote their Religion, without Regard had to the Way or Means of effecting it; though it be by butchering their King, murdering Father or Children, prostituting their Wives, or overthrowing the Government: Be it never so unnatural or repugnant to God's Commands; and agreeable to these two, are all the rest of their Principles. So that I would fain see how it is possible, to live in quiet with a People, whose Religion obliges them to destroy all Converse or human Society, to murder their Neighbours, assassinate their King, and subvert the Government when it is in their power; for my part I cannot see how they can or are fit to live, but with People of their own Faith and Belief: Brutes and Christians can never live and converse together; for none but Men of their Principles can live in Safety with them.

And agreeable to their Principles has been their Practice all along: What Rebellion, or to use their own Word, Commotions have we had, but their Hand has been chiefly in it? I know they would cast the Odium of the late Wars upon the Presbyterians; they may well be afforded to lye for their Cause, who will do every Thing else for it, though never so inhumane or unnatural; they may well deny that Plot, when they have the Impudence to deny this, and to

cast this also upon the Presbyterians: but why should they not lye in these Cases, whose Religion is a Lye? But it's very well known who began the late War, there is no Man but is sensible that the Papists carried on the Business again the Scots: It is too notorious that a great Woman employed her Agents to the Papists, to encourage them to contribute to that Work: I'll not name her, because of the Act of Oblivion, and besides she is dead: I believe every one knows who I mean.

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' The Papists have renounced the Government, they have forfeited the Benefit they might have by the Laws, in that they will not take the Oaths of Allegiance and Supremacy, or when they do swallow them, it is with such mental Evasions, that they don't think themselves to be obliged or bound by them, which in effect is a denying them; and what are these two Oaths, but a reasonable Security, that the Government requires them and all others to give? And he that denies to assure the Government, that he will to the best of his Power maintain it, does in plain English acknowledge another Power, and that when he has an Opportunity he will do his best to destroy this, and bring in that: Is that Government obliged to preserve them, who will destroy it? Are they to have any Benefit of the Laws, who will not obey them? They have renounced the Government, they have denied the King's Authority, and therefore they are to be used as Enemies to both; and then what Severity is it to banish such People?

' For what must we do? It's plain, that whilst they are here we shall never be in quiet; there is something in their Religion that obliges them to be unquiet; for what Reason had they at this Time to plot or disturb us, had not they all Things at Heart's-ease? They cannot expect to be in so good a Condition if they had a Prince of their own chusing; they were free from all chargeable and troublesome Employments and Offices; their Estates were not burdened with the Forfeitures due by Law, an easy Hand was laid upon them, and the Way to Preferment was by being of their Religion, they had got into almost all the profitable Employments, they were above, and we below; they had what they desired, and yet all this would not do.

' But if this be too much, then let us do with them as the Children of Israel did with the Gibeonites; they had made a League with them, that they should live amongst them, but lest they might do them harm, they made them Hewers of Wood, and Drawers of Water, (Joshua ix.) notwithstanding the League. And if the Papists must live amongst us, let us give their Estates to the King to ease our own, and reduce them to such a condition, that since they will

Anno 13 Car. II. 1681. will not live at peace with us, let us put it out of their power to hurt us.

‘ If they must live amongst us, and have their Estates, I shall humbly propose that we may know them; let them wear a particular Habit, or carry some Mark whereby they may be distinguished from the rest of the Nation: In Rome the Whores wear a peculiar Garb: In the time of a Plague we set a Mark upon the House that is infected; and shall these People have none, who are the pest of the Land? It is to them that we owe all our Disquiet; and let us know how to avoid them: I cannot think of any other way how to be secure against them; we have no great Benefit by convicting of them; Kissing goes so much by favour, and they are so tender a place, that this Man and the other is picked out to be exempted from the Penalty of the Law; there is such picking, that few are left: These are my Thoughts, and if any thing I have proposed may be of use, I am very glad of it; if not, I hope I shall have your Pardon for troubling of you.’

Of the Corruption of Judges.

‘ There is not under the Sun a better, if so good a Government as ours: But the best-constituted Government in the World is subject to one great Fatality, and that is, whatever Benefit we have by the Law, at least most of the Privileges we enjoy by it, depend upon the Will and Pleasure of those who are to see to the Execution of the Laws: For Laws that are not put in execution are vain and empty things, signifying nothing; for Execution is the Life of the Law, and without that they are a dead Letter: Laws unexecuted are not far unlike to a Gun, which if rightly used is a Weapon of great Defence, but otherwise of no great use; and if it be charged, it may do much mischief, unless it be levelled at the right Mark: So our Laws, if they are not executed, what Advantage arises to us more than from waste Paper? And if they are made use of, yet if they are not directed to their proper End, they may hurt those they ought not: So that it is out of doubt that they who are entrusted with the Execution of the Laws, it is an indispensable Duty incumbent on them, that they take care not only that the Laws be duly put in execution, but also that they pursue their proper End and Design; in short, that neither the Innocent be condemned, nor the Guilty acquitted; therefore the Execution of the Law is so clear and undoubted a Right of every Subject, that no Power whatever can dispense with it: And they whose duty it is to see it done, if they either pervert or hinder the Law from having its course, are highly criminal, and ought to be called to a strict account about it.

‘ Having

‘ Having said this, I will in the first place tell you something of the Law in this case, and next give you some account of the Practice of our Judges and other Officers of Justice, and then let any Man say if he can, whether the Nation at this day has not great cause to complain. Anno 33^{Edw.} II.
1281.

‘ *Curat Lex, Fiat Justitia*, is the Life and End of our Government, and when the Law has not its course, and Justice is not done, then there is a Dissolution of it: And he that will peruse my Lord Coke’s Exposition upon *Magna Charta*, shall find that it is a fundamental and ancient Right of the Subject, that Justice is not to be delayed or denied.

‘ In the second Part of my Lord Coke’s Institutes, the 11th Chap. on *Magna Charta*, he tells us, lest any Party that hath Right should be without Remedy, or that there should be a Failure of Justice, therefore Statutes are always so to be expounded, that there should be no Failure of Justice, but rather than that should fall out, that Case (by Construction) should be excepted out of the Statute.

‘ In the 29th Chap. on *Magna Charta*, *nulli negabimus aut differemus justitiam vel rectum*, and that by no means Common Right or Common Law should be disturbed, or delayed, no, though it be commanded under the Great Seal; or by any Command whatsoever, either from the King, or any other, and this is backed or seconded by a Statute made the second of Edw. III. Chap. 8. which says thus, That it shall not be commanded by the Great Seal, nor the Little Seal, to disturb or delay Common Right: And though such Commandments do come, the Justices shall not therefore leave to do right in any point.

‘ In his 2d Chap. on the Statute of Gloucester, he calls Delay the great Enemy to Justice: In his 24th Chap. on Westminster 2d. *Ne querentes recederent a curia sine remedio*: And that is supported by a Statute made the 13th of Edward I. Chap. 50. where it tells us, that no Man shall depart from the King’s Court without Remedy.

‘ In the 25th Chap. on Westminster 2d. *Dominus rex voluntatem habens ut celeris fiat justitia*: And the Reason hereof is given, for *expedit reipublice ut sit finis litium*.

‘ And by a Statute made the 9th of Hen. III. Chap. 29. It is enacted that Justice shall not be denied or deferred: Therefore having said this, I think I need say no more to prove that Justice or Right is not to be sold, denied, or delayed; and let any Man deny if he can, whether our Judges have not transgressed in all these? Has not Justice been sold and perverted; Witness the Acquittal of Sir George Wakeman, Sir Thomas Gascoines, and Mrs. Cellier? Has not Justice been denied? Witness the abrupt dismissing of the Grand-Jury, when an Indictment was to have been given.

Anno 33 Car. II.
1681.

ven in to have proved the Duke of York a Papist; and to prevent that great Service to the Nation, the Jury was dismissed, notwithstanding they had several other Bills of Indictment in their hands; by which Justice was not only delayed, but denied: And how many Instances more are there of this kind; nay, the Contagion has spread so far, that it is more difficult to find a Case without these, or some of them, than to produce Multitudes of Cases where Justice has been sold, denied, or delayed: So that our Judges have been very corrupt and lordly, taking Bribes, and threatening Juries and Evidence; perverting the Law to the highest degree, turning the Law upside down, that arbitrary Power may come in upon their Shoulders: The Cry of their unjust Dealings is great, for every Man has felt their Hand, and therefore I hope their Punishment will be such as their Crimes deserve, that every Man may receive satisfaction.

' Its so long since King Alfred's time, that possibly what was then done is out of their thoughts; for my Lord Coke in the third Part of his Institutes, Chap. 101, makes mention of a great many Judges who were hanged in one Year for false Judgment in King Alfred's time; and if we look into the Punishment of a corrupt Judge, which is recited by him in the 224th Page, it may be sufficient to deter any Judge (who has either any Christianity or Morality) from offending in the Discharge of his Trust; but it may be some wonder that they have forgotten what happened in the 24th of Edward III. concerning William Thorp Chief Justice, what a severe Punishment he underwent for Bribery; all which may be seen at large in Page 223, 3d Part. And also that of Tresilian and Belknap, with others their Fellows who were all attainted by Act of Parliament, 2d of Henry IV. A Man would think that these cannot be forgotten; but as the case stands, their Memories are to be refreshed by condign Punishment, and they very well deserve it; for my Lord Coke in the fourth Part of his Institutes, says, Chap. 13. That when particular Courts fail of Justice, the general Courts shall give Remedy: *Ne curia regis deficerent in justitia exhibenda*: So that what a condition are we in, when those Judges that are to relieve against the Injustice or Delay of inferior Courts, do turn Merchants of the Law, and will not do right; for when they are corrupt, how shall we escape, but all inferior Courts will follow their Example; therefore in my opinion this Matter ought to be searched into; and if there prove such Faults as are complained of, we can do no less than punish the Offenders, and prevent the like for the future, lest we otherwise seem to countenance their Actions; for if we do not punish them,

we

we approve of them: From which, good Lord, deliver us. Anno 33 Car. II.
1681.

‘ And now I am speaking of Judges and their Misbehaviour, give me leave to acquaint you with the Grievance of the County for which I serve, in relation to our Judge or Chief Justice.

‘ The County for which I serve is Cheshire, which is a County Palatine, and we have two Judges peculiarly assigned us by his Majesty: Our puisne Judge I have nothing to say against, for he is a very honest Man for ought I know.

‘ But I cannot be silent as to our Chief Judge, and I will name him, because what I have to say will appear more probable: His Name is Sir George Jefferies, who, I must say, behaved himself more like a Jack-Pudding, than with that Gravity that befits a Judge; he was mighty witty upon the Prisoners at the Bar, he was very full of his Jokes upon People that came to give Evidence; not suffering them to declare what they had to say in their own way and method, but would interrupt them, because they behaved themselves with more Gravity than he; and in truth the People were strangely perplexed when they were to give in their Evidence; but I do not insist upon this, nor upon the late Hours he kept up and down our City; it’s said he was every Night drinking till two a clock, or beyond that time, and that he went to his Chamber drunk; but this I have only by common Fame, for I was not in his Company; I bless God I am not a Man of his Principles or Behaviour; but in the Mornings he appeared with the Symptoms of a Man that over Night had taken a large Cup.

‘ But that which I have to say is the Complaint of every Man, especially of them who had any Law-Suits. Our Chief-Justice has a very arbitrary Power, in appointing the Assize when he pleases; and this Man has strained it to the highest point; for whereas we were accustomed to have two Assizes, the first about April or May, the latter about September; it was this Year, the middle (as I remember) of August before we had any Assize; and then he dispatched Business so well, that he left half the Causes untried; and to help the Matter, has resolved that we shall have no more Assizes this Year.

‘ These things I hope are just cause of Complaint: It cannot be supposed that People can with ease or delight be in expectation, so long as from May till August, to have their Causes determined; for the notice he gave was very short and uncertain.

‘ And I beg you, is it not hard for them that had any Trials, to see Counsel, be at the Charge of bringing Witnes-

Anno 33 Car. II. 1681. **fes, and keep them there five or six Days; to spend their Time and Money, and neglect their Affairs at home; and when all is done, go back and not have their Causes heard? This was the case of most People the last Affize.**

Anno 1 Jac. II. 1685.
Parliaments.

FROM the Dissolution at Oxford, March 28, 1681, to the Death of Charles II. which happened Feb. 6, 1684-5, Parliaments seem hardly to be thought of: But being necessary to his Successor, one was summon'd to meet at Westminster May 19, when His Majesty being come to the House of Peers, commanded the Gentleman-Usher of the Black-Rod (viz. Sir Thomas Duppa Knight) to acquaint the House of Commops, that 'tis His Majesty's Pleasure they attend him immediately; who being come to the Bar of the Lords House, Sir Francis North, Baron of Guilford, and Lord Keeper of the Great Seal of England, having first received His Majesty's Pleasure, spoke to this Effect.

Lord Keeper
North's Speech.

My Lords, and you, the Knights, Citizens, and Burgesses of the House of Commons, I am Commanded by His Majesty, to acquaint You, that there are divers Preliminaries for You to do, and several Oaths required by Act of Parliament, for us all to take, before you can proceed to Business. It is therefore His Majesty's Pleasure, that you, Gentlemen of the House of Commons, do go back to your House, and make choice of a Speaker, and come and present him to His Majesty at Four of the Clock, and when you have done that, and taken the usual Oaths, His Majesty will then acquaint you with the Reasons why he call'd you together.

Sir John Trevor
chosen Speaker.

The Commons being returned to their own House, my Lord Middleton named Sir John Trevor, as a fit Person for their Speaker, and one that would be acceptable to His Majesty; whereupon the Commons unanimously made Choice of Sir John Trevor, who took the Chair, and the House adjourned 'till Four of the Clock.

Post Meridiem. His Majesty being again seated on his Royal Throne, adorn'd with the Royal Ornaments, &c. sent the Usher of the Black-Rod, to command the Commons to attend him immediately in the House of Lords; where being come, the Commons presented Sir John Trevor, whom they had unanimously chose their Speaker. Sir John endeavoured to excuse himself to His Majesty, as being not capable of undertaking a Place of that great Weight and Importance, as the Office of a Speaker requires; but the Excuse nor being allowed, the Lord Keeper, by His Majesty's Command, ratified and confirmed him Speaker; adding, that His Majesty was well satisfied of his Experience

tiency and Ability, and that he was every way fitted and qualified for that Employment. Mr. Speaker, after having made a short Speech, giving His Majesty Thanks for his Gracious Acceptance of him, made these humble Petitions following.

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1. That they and their Servants might be free from Arrests.

2. That they might have freedom of Speech.

3. Access to His Majesty.

4. That all their Proceedings might receive favourable Acceptance.

All those the Lord Keeper told him were readily granted by His Majesty. Which being done, the Commons returned to their House, and adjourned.

The 22d, His Majesty being come to the House of Peers, and seated on the Throne, &c. sent the Gentleman-Usher of the Black-Rod to command the House of Commons to attend him immediately at the Bar of the Lords House, where His Majesty made a Speech to them.

The House being returned, Mr. Speaker reported His Majesty's Speech, which was read at the Clerks Table as followeth.

‘ My Lords and Gentlemen,

‘ **A**FTER it pleased Almighty God, to take to his Mercy the late King my dearest Brother, and to bring me to the peaceable Possession of the Throne of my Ancestors, I immediately resolved to call a Parliament, as the best Means to settle every thing upon those Foundations, as may make my Reign both easy and happy to you: Towards which, I am disposed to contribute all that is fit for me to do.

The King's
Speech to both
Houses.

‘ What I said to my Privy-Council at my first coming there, I am desirous to renew to you, wherein I fully declare my Opinion concerning the Principles of the Church of England, whose Members have shewed themselves so eminently Loyal in the worst of times, in Defence of my Father, and Support of my Brother, of Blessed Memory; that I will always take care to defend and support it. I will make it my Endeavour to preserve this Government both in Church and State, as it is now by Law Established; and as I will never depart from the just Rights and Prerogatives of the Crown, so I will never invade any Man's Property; and you may be sure, that having heretofore ventur'd my Life in the Defence of this Nation, I will still go as far as any Man in preserving it, in all its just Rights and Liberties; and having given you this Assurance concerning the Care I will have of your Religion

and

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and Property, which I have chose to do in the same Words which I us'd at my first coming to the Crown; the better to evidence to you, that I spoke them not by Chance, and consequently that you may firmly rely upon a Promise so solemnly made.

I cannot doubt that I shall fail of suitable Returns from you, with all imaginable Duty and Kindness on your part, and particularly to what relates to the settling of my Revenue, and continuing it, during my Life, as it was in the Life-time of my Brother. I might use many Arguments to enforce this Demand, for the Benefit of Trade, the Support of the Navy, the Necessity of the Crown, and the Well-being of the Government it self, which I must not suffer to be precarious, but I am confident, your own Consideration of what is just and reasonable, will suggest to you whatsoever might be enlarged upon this occasion.

There is one Popular Argument which I foresee, may be used against what I ask of you, from the Inclination Men have for frequent Parliaments, which some may think would be the best Security, by feeding me from time to time by such Proportions as they shall think convenient; and this Argument, it being the first time I speak to you from the Throne, I will answer once for all, that this would be a very improper Method to take with me, and that the best way to engage me to meet you often, is always to use me well.

I expect therefore, that you will comply with me in what I have desired; and that you will do it speedily, that this may be a short Session, and that we may meet again to all our Satisfaction.

My Lords and Gentlemen,

I must acquaint you that I have had News this Morning from Scotland, that Argyle is landed in the West High-lands, with the Men he brought with him from Holland; that there are two Declarations published, one in the Name of all those in Arms, the other in his own; it would be too long for me to repeat the Substance of them, it is sufficient to tell you, I am charged with Usurpation and Tyranny, the shorter of them I have directed to be forthwith communicated to you.

I will take the best care I can, that this Declaration of their own Faction and Rebellion may meet with the Reward it deserves, and I will not doubt but you will be the more zealous to support the Government, and give me my Revenue as I have desired it without delay.

Thanks re-
solv'd.

Resolved, nemine contradicente. That the humble Thanks of this House be given to his Majesty for his most gracious Speech, and that the Lords Concurrence be desired thereto.

A Message to the Lords to acquaint them with the Vote of Thanks of this House, and to desire their Concurrence therein.

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The Messengers being returned, acquainted the House, that their Lordships had agreed to the Vote of Thanks for his Majesties most gracious Speech, and that their Lordships had attended his Majesty to know his Pleasure when he would be attended therewith, and his Majesty had appointed 4 of the Clock this Afternoon, to be attended in the Banqueting House at White-hall by both Houses of Parliament.

Resolved, nemine contradicente, That all the Revenue given to his late Majesty, and enjoyed by him at his Death, be given and granted to his present Majesty King James the II^d, and settled upon him during his Life.

The late King's
Revenue grant-
ed for Life.

Ordered, That Mr. Solicitor do bring in a Bill to settle the Revenue on his Majesty during Life.

The 23^d M^r. Speaker reports his Majesties Answer to their Vote of Thanks for his most gracious Speech, to this Effect.

That his Majesty could say no more to them than what he had said, but that he would be as good as his word. And that he did not doubt but with the Assistance of both Houses, to maintain the Government against all Rebels and Traitors.

The Earl of Middleton delivered a Paper from his Majesty, entitled, The Declaration of Archibald Earl of Argyle, and others now in Arms, &c. viz.

The Declaration of Archibald Earl of Argyle, Cowall and Campbel, Lorn, &c. Heretable Sheriff and Lieutenant of Argyle and Tarbet, and Heretable Justice General of the said Shires, and of the West Isles, and others; with his Orders to his Vassals and others in the said Shires, and under his Jurisdiction, to concur for Defence of their Religion, their Lives and Liberties.

Earl of Argyle's
Declaration.

I Shall not mention my Case published in Print in Latin and Dutch, and more at large in English, nor need I repeat the printed Declaration emitted by several Noblemen and Gentlemen, and others of both Nations now in Arms; but because the Sufferings of me and my Family are therein mentioned, I have thought fit to declare for myself, that as I go to Arms with those that have appointed me to conduct them for no private or personal end, but only for those contained in the said Declaration, I have concurred with them and approved of their Design, so I claim Interest but in what I had before, the pretended Forfeitures of my Friends, and have sufficient Right to.

And that I do freely, fully, and as a Christian forgive all Personal Injuries against my Person and Family, to all that shall not oppose, but join and concur with Us in our present

Anno 1 Jac. II. present Undertaking, for the mentioned Reasons in the said Declaration. And hereby I oblige myself never to pursue them in Judgment.

And I farther Declare, that, obtaining the peaceable and quiet Possession of what belonged to my Father and myself before our pretended Forfeitures, I shall satisfy all Debts due from my Father and myself, and as my Faithfulness to his late Majesty and his Government hath sufficiently appeared to all unbiassed Persons void of Malice, so I do with Grief acknowledge my former too much complying with, and conniving at the Methods taken to bring us to the sad Condition we are now in, tho' (God knows) never concurring in the Design. I have now, with God's Strength, suffered patiently my unjust Sentence and Banishment three Years and a half, and have never offered to make any Uproar or Defence by Arms, to disturb the Peace, upon my private Concerns. But the King being now dead, and the Duke of York having taken off his Masque, and having abandoned and invaded our Religion and Liberties, resolving to enter into the Government, and exercising contrary to Law, I think not only just, but my Duty to God and my Country, to use my utmost Endeavours to oppose and repress his Usurpation and Tyranny.

And therefore being assisted and furnished very nobly by several good Protestants, and invited, and accompanied by several of both Nations to head them, I resolve, as God shall enable me, to use their Assistance of all kinds towards the ends expressed in the said Declaration.

And I do hereby earnestly invite and oblige all honest Protestants, and particularly all my Friends and Blood Relations to concur with us in the said Declaration.

And as I have written several Letters, so having no other way fully to intimate my Mind to others,

I do hereby Command all my Vassals every where, and all within my several Jurisdictions, with defensible Men in their Commands, to go to Arms, and to join with us according to the said Declaration, as they will be answerable at their Périls, and to obey the particular Orders they shall receive from me, from time to time.

Resolved, nemine contradicente, That this House will stand by and assist his Majesty with their Lives and Fortunes in Defence of his Royal Person, against Archibald Campbel the pretended Earl of Argyle and his Adherents, and all other Rebels, and Traytors, and others whatsoever, that shall assist them or any of them.

And such Members that are of his Majesty's Privy Council are desired to wait on his Majesty, and to know his Pleasure when this House shall attend him with this Vote.

The

The Earl of Middleton reports that his Majesty had been Anno 1 Jac. II.
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attended, and that 4 of the Clock was appointed to attend
upon his Majesty at the Bar of the House of Lords.

Adjourn'd till 4 a-clock.

Post Meridiem 4. The House attended his Majesty — Presented to his
And Mr. Speaker acquainted his Majesty with the Vote of the Majesty.
House (as aforesaid) to which his Majesty was pleased to
make this Answer, *viz.*

' Gentlemen,

' I could expect no less from a House of Commons so His Answer.
' composed, as (God be thanked) you are : I rely on the
' Assurances you have given me, which are the natural
' Effects of Monarchical Church of England Men. I shall
' stand by all such, and, so supported, have no reason to fear
' any Rebels, or Enemies I now have or may have.'

The Commons returned to their House, and adjourned.

The 25th, A Bill for settling the Revenue on his Majesty during Life, was read a second time, and committed to a Committee of the whole House.

Immediately Mr. Speaker left the Chair, and the Committee went through the said Bill with Amendments. The House reassembled — Mr. Speaker reported the said Bill with the Amendments — To which the House agreed.

Ordered, That the Bill be engrossed by to-morrow Morning.

Adjourn'd.

The 26th, the engrossed Bill for settling the Revenue on his Majesty, during Life, was read a third time, and passed.

Ordered, That the Bill be sent up to the House of Lords, which was accordingly done.

Resolved, That the House do resolve itself into a Grand Committee this Afternoon about Religion.

Adjourn'd.

The 27th, Sir Thomas Meers Chairman of the Committee for Religion, reports, That the Committee had drawn up two Votes (*viz.*) That it is the opinion of the Committee, that this House will stand by his Majesty with their Lives and Fortunes, according to their bounden Duty and Allegiance, in Defence of the Reformed Religion of the Church of England, as it is now by Law established. That an humble Address be presented to his Majesty, to desire him to issue forth his Royal Proclamation, to cause the penal Laws to be put in execution, against all Dissenters from the Church of England, whatsoever.

The previous Question being whether the Question should be then put, for the House to agree with the Committee :

TOME II.

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It

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It was carried in the Negative.

Resolved, Nemine Contradicente, That this House doth acquiesce, and entirely rely, and rest wholly satisfied on his Majesty's gracious Word, and repeated Declaration to support and defend the Religion of the Church of England, as it is now by Law established, which is dearer to us than our Lives.

A Message from the Lords to acquaint the House, That their Lordships have passed the Bill for settling the Revenue on his Majesty, during Life, without any Amendments.

Ordered, That Sir Gilbert Gerrard, Sir Thomas Player, Colonel Whiteley, and Colonel Birch, Commissioners appointed by the late Act of Parliament for disbanding the late Forces, do bring in their Accounts to this House, on Saturday Morning next.

Adjourn'd.

The 30th, Sir Thomas Player, and Colonel Whiteley appearing, were called in, who gave some account of their Proceedings in disbanding the Army, and were ordered to attend again on Monday Morning next.

And also that their Accounts and Vouchers be brought in by the Auditor at the same time. And that Mr. Speaker be desired to write to Sir Gilbert Gerrard and Colonel Birch, who are in the Country, requiring them to bring in their Accounts speedily.

A Bill for Continuance of an Act for Re-building of Northampton, read, and ordered a second Reading.

A Message from his Majesty by the Usher of the Black Rod, for commanding this House immediately to attend him in the House of Peers. Where, being come, Mr. Speaker presented his Majesty with the Revenue-Bill, *in hac Verba*.

The Speaker's
Speech at pre-
senting the Bill
of Tunnage.

' May it please your sacred Majesty, The Commons of England have here presented your Majesty with the Bill of Tunnage and Poundage, with all Readiness and Chearfulness, and that without any Security for their Religion, tho' it be dearer to them than their Lives, relying wholly on your Royal Word for the Security of it; and humbly beseech your Majesty to accept this their Offer; and pray that God would bless you with a long Life, and prosperous Reign over them.'

Upon this, his Majesty gave his Royal Assent to the said Bills, and made a Speech, as follows.

The King's
Speech there-
upon.

' My Lords, and Gentlemen,
' I Thank you very heartily for the Bill you have presented me this day, and I assure you, the Readiness
' and

and Cheerfulness that hath attended the Dispatch of it, is Anno. 1 Jac. II.
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as acceptable to me as the Bill itself.

After so happy a Beginning, you may believe I would not call upon you unnecessarily for an extraordinary Supply: But when I tell you the Stores of the Navy are extremely exhausted, that the Anticipations upon several Branches of the Revenue, are great and burthensome; and the Debts of the King, my Brother, to his Servants and Family, are such as deserve Compassion; that the Rebellion in Scotland, without putting more weight upon it than it really deserves, must oblige me to a considerable Expence extraordinary: I am sure such Considerations will move you to give me an Aid to provide for those things, wherein the Security, the Ease, and the Happiness of my Government are so much concern'd. But above all, I must recommend to you the Care of the Navy, the Strength and Glory of this Nation, that you will put it into such a condition, as will make us considerable and respected abroad. I cannot express my Concern upon this occasion more suitable to my own Thoughts of it, than by assuring you I have a true English Heart, as jealous of the Honour of the Nation as you can be; and I please myself with the Hopes, that, by God's Blessing and your Assistance, I may carry its Reputation yet higher in the World, than ever it has been in the time of any of my Ancestors.

And as I will not call upon you for Supplies, but when they are of public Use and Advantage, so I promise you, that what you give me upon such occasions, shall be managed with good Husbandry: And I will take care it shall be employed to the Uses for which I ask them.

Resolved, Nemine Contradicente, That a Supply be given to his Majesty for Repair of the Navy, Ordnance, and Stores, and in Defence of the same, for all other Occasions mention'd in his Majesty's Speech. A Supply voted.

Resolved, That an Imposition on all Wines and Vinegar be given to his Majesty; and that it be the same which was given to his late Majesty King Charles the Second, in the 22d Year of his Reign.

Ordered, That Mr. Solicitor do bring in a Bill for that purpose.

Resolved, That this House doth resolve itself into a Committee of the whole House on Monday, to consider of a farther Supply for his Majesty.

June 1st, A Bill for the additional Duty of Excise upon Wines and Vinegar, towards a Supply to be given his Majesty for Repair of the Navy, and Ordnance, and Stores for the same, and for Supply of his Majesty's Occasions, mention'd

Anno 1 Jac. II. 1685. tion'd in his last Speech, read, and ordered a second Reading to-morrow.

The House then resolv'd itself into a Committee of the whole House, to consider of a farther Supply for his Majesty.

Mr. Speaker left the Chair.

Mr. Solicitor took the Chair.

Resolved, That it is the opinion of this Committee, that a farther Supply be given to his Majesty, and that the same be rais'd out of Sugars and Tobacco.

The House reassembled, and Mr. Solicitor reported the Votes of the Committee, as followeth, *viz.*

On Spanish and other Foreign Tobacco 6d. per Pound, be paid more than what is now paid.

On Tobacco of the Growth of English Plantations 3d. per Pound, more than what is now paid.

On Muscovado and Pannel Foreign Sugar, $\frac{1}{2}$ d. per Pound more than what is now paid.

On Foreign White Sugars, 1 d. $\frac{1}{2}$ per Pound more, &c.

On Muscovado Sugars of English Product $\frac{1}{4}$ per Pound.

All Sugars else of English Plantations $\frac{1}{2}$ per Pound.

To which the House agreed, and ordered, That Mr. Solicitor do bring in a Bill for a farther Supply for his Majesty, to be rais'd out of Tobacco and Sugars, to-morrow Morning.

The Accounts of Sir Thomas Player and Colonel Whiteley, with part of the Accounts of Sir Gilbert Gerrard and Colonel Birch, for disbanding the late Forces, were this day brought into the House, and referred to a Committee to examine the same, and report their Opinions therein speedily to the House. Adjourn'd till eight to-morrow.

The 2d, Several Petitions complaining of undue Elections, read and referred to the Committee of Elections.

The Cause between Sir Jos. Williamson, and Mr. Heveningham about the Election for Thetford, was heard at the Bar. And then resolv'd, that no Mayor can duly return himself a Burgess to serve in Parliament for the same Borough for which he is Mayor at the time of Election.

Resolved, That Henry Heveningham Esq; is not duly returned to serve in this present Parliament, for the Borough of Thetford, he being Mayor of the Town.

The Bill for Importation of Wines and Vinegar, was read a second time, and committed to a Committee of the whole House, who immediately went through the several Paragraphs, and amended the same.

Mr. Solicitor reported the said Bill, and Amendments, to which the House agreed.

Ordered,

Ordered, That the said Bill with the Amendments be engrossed. Anno 1 Jac. II.
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Adjourn'd till 8 to-morrow.

The 3d, the House entering into Debate, whether the Election for Thetford should fall on Sir Jo. Williamson, or not; the House divided, and it was carried by five Voices, that Sir Joseph was not duly elected.

Ordered, That a Writ be issued out for a new Election.

The Bill for providing better Conveniencies for the King's Carriages, was read, and ordered a second Reading.

The engrossed Bill for the Imposition on Wines and Vinegar, was read a third time, and passed.

Ordered, That Mr. Solicitor do carry the said Bill up to the Lords.

The 4th, A Message from the Lords, with an engrossed Bill, to reverse the Attainder of William Lord Viscount Stafford.

The 5th, A Bill for Reversing the Attainder of William, late Viscount Stafford, read a first Time, and *Ordered* a second Reading, which Bill is as follows,

'Whereas William, late Viscount Stafford, was impeached of High-Treason, for Conspiring the Death of his late Majesty King Charles the Second of Blessed Memory, and the Subversion of the Government: The Bill for
Reversing Lord
Stafford's At-
tainder.

'And was Arraigned and Tried before the Peers in Parliament, for the said High-Treason, and was found guilty thereof, and condemned and executed:

'And whereas it is now manifest, That the said William, late Viscount Stafford, was innocent of the Treason laid to his Charge, and the Testimony whereupon he was found Guilty, false:

'Be it Enacted, by the King's most excellent Majesty, by, and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in Parliament Assembled, and by the Authority of the same: That the said Judgment and Attainder, and all and every Act and Acts of Attainder of Treason, of, or against the said late Viscount Stafford, shall be, and now is hereby reversed, repealed, revoked, annulled and made void to all Intents and Purposes, as if the same had never been.'

The 10th, The Case of Cricklade Election was reported, and it appearing that Mr. Freak had sometime abated one of the Electors 20l. on Condition that he and his Friends will give their Votes for him:

The Question was put, Whether it was not a Bribe.

It was carried in the Affirmative: Yeas 224, Noes 60.

Resolved, That Mr. Freak is not duly Elected to serve in Parliament.

That

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That Edward Webb, and Charles Fox, Esquires, are duly Elected for Cricklade.

A Message from his Majesty to this House by Sir John Ernley :

A Message from the King, by Sir John Ernley.

That his Majesty did heartily Thank the House for their Readiness in his Supplies. That he desired no more of this Session than what they are about. That he would make Trial of the Impositions on Sugars and Tobacco, but if he should find them injurious to his Plantations, he would not make use of them, but hoped they would supply him some other Way.

Report from the Committee, concerning the Prices of Corn, and Wool.

The 12th, Sir Richard Temple reports from the Committee appointed to consider of the Means to keep up the Price of Wool and Corn.

That it is the Opinion of the Committee,

That a Bill be brought in to supply the Defects in an Act for Improvement of Tillage, and Breed of Cattle.

That all Persons be obliged to wear the Woollen Manufacture for six Months in the Year.

That the East-India Company by importing raw Silks is prejudicial to the Woollen Manufacture.

That Callico and East-India wrought Silks, are likewise prejudicial to the Woollen Manufacture.

That all Women under the Degree of Gentilewomen, do wear Hats made of Wool, as formerly.

That all Coaches be lined with Cloath.

That all Shrouds used in Burials do weigh six Pounds.

To which the House agreed.

Ordered, That a Bill be brought in for the same Purpose.

The House Resolved into a Committee of the whole House, to consider of the Bill for Impositions on Sugar and Tobacco.

Whereupon Alderman Jeffreys, and others, were call'd in, and gave their Reasons, why the said Imposition on Tobacco would be prejudicial to the King's Customs, and the Dealers in Tobacco.

Sir Jo. Knight, and the Merchants of Bristol gave their Reasons also against the Imposition on Sugars.

They being dismiss'd— The House reassembled.

And after several Amendments, the Bill was reported, and with the Amendments, Ordered to be Engrossed.

Adjourn'd.

The 13th, The Engrossed Bill sent from the Lords for the Naturalization of several Persons therein mention'd, was read, and Ordered a second Reading.

Leave given to bring in a Bill for Conveying of fresh Water through several Grounds to the City of Rochester.

The Earl of Offory's Bill read a third Time, and passed.

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A Bill to prohibit the Importation of Gun-Powder, and small Arms, read, and *Ordered* a second Reading. Anno 1 Jac. II.
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A Bill to enable Protestant Strangers to exercise their Trades in Westminster and elsewhere, &c. read, and *Ordered* a second Reading.

A Message from his Majesty by the Earl of Middleton, that the Duke of Monmouth and several of his Adherents were landed at Lyme in Dorsetshire, and had there set up his Standard.

Mr. Thorold and Mr. Dassel, the one Mayor of Lyme, the other an Officer belonging to the Customs, being in the Lobby of the House of Commons, were called into the House, where they gave this Account of the Landing of the Duke of Monmouth, as followeth, *viz.*

That on Thursday Night about six or seven of the Clock, they discerned two Vessels and a Dogger at Sea, hovering near their Shore. Account of the
Duke of Monmouth's Land-
ing.

That they sent a Messenger in a Boat to know their meaning, and see who they were; but they took the Messenger on board and bound him.

That about half an hour after, they sent another Messenger in a Boat, and they kept him likewise; that about nine a Clock at Night they sailed into the Cobb, and the Duke of Monmouth came on Shore with divers Men all wellarmed, and genteel in their Habit.

That the Duke led them on to the Market-place, or Cross of the said Town, and there set up his Standard, being a blue Flag, and exercised the Men himself, who were, as these Informants do guess, near 150, or thereabouts.

That the said Duke of Monmouth and his Men being asked what they came there for, said, to settle the Protestant Religion, and to destroy Popery: Inviting all Persons that would, to come and join with them; being told, there were no Roman-Catholicks there, but Protestants, and there was no need for them to come there.

That these Informants came away from Lyme about ten of the Clock that Night, and that they met many People on the Road, who said, they were going to join them.

After which Relation, Thorold and Dassel withdrew.

Resolved, That this House do wait on his Majesty, and give their Thanks for his Favour in imparting the said Intelligence to this House, and do humbly offer to assist and stand by his Majesty with their Lives and Fortunes, against the said Duke of Monmouth, and all Rebels and Traitors, and all other his Majesty's Enemies, whatsoever. Vote there-
upon.

Ordered, That a Committee do withdraw immediately, and draw up an humble Address for this Purpose, and that his Majesty be advised to take care of his Royal Person.

Resolved,

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Resolved, That a Bill be brought in for the Attainder of James Duke of Monmouth of High-Treason, praying his Majesty to issue out his Royal Proclamation, promising a Reward of 5000 l. to any that shall bring in the Body of the Duke of Monmouth dead or alive.

Adjourn'd.

A Message from
the Lords.

The 16th the House receiv'd the following Message from the Lords, viz. ' Mr. Speaker, the Lords, by the King's Command, have had communicated to them, a traitorous Paper, entitled, *A Declaration of James Duke of Monmouth, &c.* upon which they have made this Order, and their Lordships desire the same may be return'd to them, as soon as the same shall be read, in regard it is to be burn'd by the Hands of the Common-Hangman, this day at one o'clock,

Monmouth's
Declaration,
order'd to be
burnt by the
Common-
Hangman.

The said Paper and Order being then read, *Resolved*, *nem. con.* That this House doth agree with the Lords, and that the said Paper be burnt by the Hands of the Common-Hangman accordingly.

The same day, Mr. Speaker reported to the House, his Majesty's Gracious Answer to their last Address, which was to this Effect:

' That he thank'd the House for their loyal Address; and particularly for their Care of his Royal Person: That he would venture his Life for the Defence of his People, and for their Peace. And that he did not doubt, but, with God's Blessing, and the Assistance of his loyal Subjects, to quell all Traitors and Rebels.'

After which, the House added a Clause to the Bill of Supply, making it High-Treason to assert the Legitimacy of the Duke of Monmouth, or Pretence to the Crown.

The 16th, A Message from the Lords that they had passed the Bill of Attainder of James Duke of Monmouth without any Alteration.

A Message by the Usher of the Black-Rod, commanding the House to attend his Majesty immediately in the House of Peers.— Where being come,

' His Majesty was pleased to give his Royal Assent to these five Bills following, viz. *The Bill for Imposition on Wines and Vinegar. The Bill for Imposition on Sugars and Tobacco. The Bill for Attainder of James Duke of Monmouth. The Earl of Ossory's Bill, to enable him to make a Jointure. A Bill for Naturalization of several Persons.*

The 17th, A Petition of the Weavers in London and Parts adjacent, was read, praying Leave to bring in a Bill for encouraging the Weaving-Trade.

Ordered, That Leave be given accordingly.

A Motion being made for a Supply to his Majesty,

Resolved,

Resolved, That the House immediately do resolve itself into a Committee of the whole House, to consider of the said Supply. Anno 1 Jac. II.
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Reports were made from the Committee, That a Tax be laid upon such new Buildings as have been erected within the Bills of Mortality, except such Houses as have been built within the Compass of the late several Fires in London and Southwark. Resolutions to
lay a Tax on New
Buildings.

That no Buildings be erected on new Foundations, which are not already laid: And that a Bill be brought in accordingly. To which the House agreed.

Adjourn'd.

The 18th, a Bill for Improvement of Tillage and Breed of Cattle, read, and ordered a second Reading.

Leave given to bring in a Bill, to make the Rivers Wye and Lugg navigable.

A Bill for conveying fresh Water to Rochester and Chatham, read, and ordered a second Reading.

A Message from his Majesty by the Earl of Middleton, acquainting the House, ' That he judges it necessary for the Members (on whose Loyalty and Affection he depends wherever they are) to be present in their respective Counties, and therefore designs there shall be a Recess in a very few days; but because the Rebellion in the West will occasion an extraordinary Expence; his Majesty desires there may be a good Fund for a present Sum of Money, to answer the immediate Charge his Majesty must be at, and so the end the Bills now depending may not be prejudiced, his Majesty is pleased this Separation shall be an Adjournment, and for some short time only.' A Message from
his Majesty de-
siring a present
Supply.

Resolved, That a Supply not exceeding 400,000 l. be given to his Majesty for his present extraordinary Occasions. 400,000 l.
granted.

The House then resolved into a Committee of the whole House, to consider of the King's Message and Supply.

The House upon Report of the Grand Committee, appointed a Committee to bring in an Estimate of what the new Buildings (intended to be taxed) will raise at two Years full Value.

A Bill for taking off the Prohibition of French Commodities, read, and ordered a second Reading.

A Bill sent down from the Lords for settling the Queen's Jointure, read, and ordered a second Reading; by consolidating the Estates-Tail and Reversion in Fee, which his Majesty hath in the Post-Office, and 24000 l. per Annum out of the hereditary Excise. The Bill for
settling the
Queen's Jointure
read.

A Bill for Preservation of his Majesty's Person and Government, was read twice, and committed to a Committee of the whole House to-morrow Morning.

TOMES II.

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Anno 1 Jac. II.
1685.

The 20th, the Bill sent down from the Lords for consolidating and settling the Estate of his Majesty in the Post-Office, and 24000*l.* per Ann of the Excise, and the Bill to enable his Majesty to make Leases of Lands in the Duchy of Cornwall, were read a second time, and ordered to be read a third time.

The House resolved into a Committee of the whole House, to consider of a Fund to raise the Supply not exceeding the 400,000*l.* to his Majesty.

Report from the
Committee of
the Supply.

Upon Report of the Committee of the whole House, they agreed,

That French Linnens pay double Duties according to the Book of Rates.

That single Brandy imported pay double Duty.

That all Brandy above double Proof; pay Duty above what is now to be laid on single Brandy.

That 4 d. per Gallon be paid for all homeward Spirits, above what is now paid.

That Callicoes and other Linnens, imported from the East-Indies, pay 12 d. per Piece above what they now pay, to be repaid upon Exportation.

That wrought Silks imported from the East-Indies, pay 10*l.* per Cent. above what they now pay, to be repaid upon Exportation.

That all Foreign wrought Silks pay 7*l.* per Cent. above what they now pay, to be repaid upon Exportation: To which the House agreed, and order'd a Bill to be brought in accordingly. Adjourn'd.

The 22d, *Ordered*, That Leave be given to bring in a Bill for the Encouragement of the Manufacture of Paper in England.

The two Bills sent from the Lords, one for consolidating his Majesty's Interest in the Post-Office, and 24,000*l.* per *Annun* in the Excise; the other, to enable his Majesty to make Leases of Lands in the Duchy of Cornwall; were read a third time, and passed.

Argyle taken.

The Lord Middleton acquaints the House from his Majesty, that Argyle is taken.

Ordered, That the Thanks of the House be presented to his Majesty, for his gracious Communication, which they receiv'd with great Joy and Satisfaction.

Adjourn'd.

The 24th, the Bill for an Imposition on Silks, Brandies, East-India Commodities, &c. read a second time, and committed to a Committee of the whole House, to consider of the Bill, with power to bring in a Clause of Credit to raise Money for his Majesty's Supply.

Mr.

Mr. Solicitor reported the said Bill, with some Amendments: The Bill commencing from the first of July, 1685, till the first of July 1690. And a Clause to be added for giving the King a Credit for raising a Sum on this Revenue, at Interest, not exceeding the Rate of 8l. *per Cent.*

Anno 1 Jac. II.
1685.

Ordered, That the Bill and Clause be engrossed.

Adjourn'd till 9 to-morrow.

The 25th, the engrossed Bill for repealing a Clause for prohibiting French Commodities, passed.

For re-building St. Paul's passed.

The 25th, the Bill for an Imposition on Silks, Brandies, Linnens, &c. with the Clause of Credit to his Majesty, passed, and carried up to the Lords.

The 27th, his Majesty sent for the Commons to the House of Peers, and there the Bill for his Majesty's Supply, and several other Bills passed the Royal Assent. Several Bills passed.

The 29th, An engrossed Bill for the Preservation of his Majesty's Person and Government, read a third time, and passed.

July ad, The House being met, the Gentleman-Usher of the Black Rod commanded the Commons to attend his Majesty in the House of Peers immediately; where being come, his Majesty gave his Royal Assent to these following Bills:

An Act for the Improvement of Tillage, &c.

An Act for making St. James's a distinct Parish.

An Act for Encouragement of Building Ships.

An Act for reviving several Acts expired, or near expiring.

An Act for the Augmentation of the Vicaridges in the Bishoprick of Bangor.

Then my Lord-Keeper spake to this effect:

'My Lords and Gentlemen, I am commanded to let you know, that it is his Majesty's Pleasure, that both Houses adjourn forthwith, till Tuesday the 4th of August next; not that his Majesty intends that then there shall be a Session, but that the Members that are about Town, shall then meet, and adjourn themselves from time to time, as there shall be occasion till Winter. And when his Majesty would have a full House, he will give notice of it by Proclamation. The Parliament adjourn'd by Command.

The Lords immediately adjourn'd.

The Commons returned to their own House, and adjourn'd accordingly.

Monday Nov. 9, Both Houses of Parliament met, pursuant to the last Adjournment. His Majesty being seated in his Royal Throne in his House of Peers, commanded the Gentleman-Usher of the Black-Rod to give Notice to the House of Commons, that they immediately attend his Majesty in the House of Peers. Where being come, his Majesty was Meets again.

Anno 1 Jac. II. 1685. pleased to make a most Gracious Speech to both Houses of Parliament.

After which, the House of Commons returned to their own House, and Mr. Speaker reported His Majesty's Speech to the House, which being read at the Clerk's Table, is as followeth.

The King's
Speech to both
Houses.

My Lords and Gentlemen,
AFTER the Storm that seemed to be coming upon us when we parted last, I am glad to meet you all again in so great Peace and Quietness; God Almighty be praised, by whose Blessing that Rebellion was suppressed: But when I reflect what an inconsiderable number of Men begun it, and how long they carried it on without any Opposition, I hope every body will be convinced, that the Militia, which have hitherto been so much depended on, is not sufficient for such Occasions, and that there is nothing but a good Force of well-disciplined Troops in constant Pay that can defend us, from such as either at home or abroad are disposed to disturb us. And in truth, my Concern for the Peace and Quiet of my Subjects, as well as for the Safety of the Government, made me think it necessary to increase the number to the proportion I have done: That I owed as well to the Honour as the Security of the Nation, whose Reputation was so infinitely exposed to all our Neighbours, by having lain open to this late wretched Attempt, that it is not to be repaired without keeping such a Body of Men on foot, that none may ever have a thought of finding us again so miserably unprovided. It is for the Support of this great Charge, which is now more than double to what it was, that I ask your Assistance in giving me a Supply answerable to the Expences it brings along with it; and I cannot doubt but what I have done so much to the Honour and Defence of the Government, will be continued by you with all chearfulness and readiness that is requisite for a Work of so great Importance. Let no Man take exception, that there are some Officers in the Army not qualified according to the late Test for their Employment: The Gentlemen, I must tell you, are most of them well known to me, and, having formerly served me on several Occasions, and always approved the Loyalty of their Principles by their Practices, I think them now fit to be employed under me, and will deal plainly with you, that, after having had the Benefit of their Services in such time of need and danger I will neither expose them to disgrace, nor my self to the want of them, if there should be another Rebellion to make them necessary to me.

I am

(181.)

‘ I am afraid some Men may be so wicked to hope and expect that a difference may happen between you and me upon this Occasion, but when you consider what Advantages have risen to us in a few Months by the good Understanding we have hitherto had, what wonderful Effects it hath already produced in the change of the whole Scene of Affairs abroad, so much more to the Honour of the Nation, and the Figure it ought to make in the World, and that nothing can hinder a further Progress in this way to all our Satisfaction, but Fears and Jealousies amongst our selves; I will not apprehend that such a Misfortune can befall us as a Division, or but a Coldness between You and Us; nor that any thing can shake you in your Steadiness and Loyalty to me, who by God’s Blessing will ever make you all returns of Kindness and Protection, with a Resolution to venture even my own Life in the Defence of the true Interest of this Kingdom.’

Annals & J. 2. 25.

1685.

The Earl of Middleton, a Member of the House of Commons, and one of His Majesty’s Principal Secretaries of State, moved, that the House would immediately return their Thanks to His Majesty for his most Gracious Speech, and also proceed to the Consideration of answering the Ends therein mentioned.

After some Debate, it was resolved, That the House resolve it self into a Committee of the whole House on Thursday Morning next at Ten of the Clock, to take into Consideration His Majesty’s Speech: And the House adjourned till Thursday the 12th Instant, Ten o’Clock in the Morning.

The 12th, the House resolved it self into a Committee of the whole House to take into Consideration His Majesty’s Speech.

Mr. Solicitor in the Chair.

The King’s Speech was read.

The Lord Middleton moved to have it considered by Parliament. Debates thereon. ragraphs.

‘ Some other Force than the Militia is necessary to be found; and moved a Supply for the Army. Sir William Clifton.

‘ We have lately had an unfortunate Proof how little we are to depend upon the Militia, and therefore sure we must all approve of His Majesty’s increasing the Forces to what they are. France is formidable, now Holland’s Forces are greatly increased, and we must be strong in proportion, for preservation of our selves and Flanders, and toward that the good Harmony betwixt the King and this House hath greatly contributed. It has had two other great Effects abroad: Lord Preston.

Anno 7 Jac. II.
1685.

' 1. The French King's Army last Spring was marching towards Germany, Crequi was far advanced; but when the King of France heard the Kindness of this House to the King, and the Defeat of Monmouth, he recalled them.

' 2. The French and Spaniard had also a difference about Huy and Fontarabia: The French advanced their Troops, and recalled them on this News.

' This is the noble effect of the Harmony between the King and this House, who have (I hope) brought the same Heart and Loyalty they had the last time here.

' Hence we may conclude, these Levies made by the King are just, reasonable, and necessary. And so let us vote a Supply, to answer His Majesty's present Occasions.'

Lord Ranelagh.

' The Question is, whether a Supply or not. I do not intend to arraign the Militia, but seeing a Soldier is a Trade, and must (as all other Trades are) be learned, I'll shew you where the Militia has failed, viz. At Chatham, and in June last, when the late Duke of Monmouth landed, and had but 83 Men, and 300 l. in Money; who in spite of the Militia, nay, in spite of such other Force as the King could spare hence, brought it so far as he did.

' If the King of France had landed then, what would have become of us? I say, the Militia is not insignificant, but an additional Force is necessary, and so a Supply that is answerable to it.'

Sir T. Charles.

' If it shall appear to you, that the King's Revenue he hath already, be sufficient to supply all his Occasions, what then need we give him more?

' 'Tis moved we should proceed by Paragraph.

' To come first to the Militia, who (let me tell you) did considerable Service in the late Rebellion, and if a great Nobleman of this Kingdom had been supplied and assisted, it had soon been quelled.

' A Confidence betwixt the King and his People is absolutely needful, let it come whence it will, our Happiness consists in it.

' His Majesty, on his first entrance on the Crown, told us, he had been misrepresented, and that he would preserve the Government in Church and State now established by Law, and to maintain us in all our just Rights and Privileges.

' Over-joyed at this, we run hastily in to him, we gave four Millions (reckoning what we added to him for Life was worth) at once.

' The present Revenue is 1,900,000 l. or two Millions yearly; the Charge of the Government (admitting this Army kept up) is but 1,300,000 l. yearly: And pray let us not forget that there was a Bill of Exclusion debated in this House; I was here, and shewed my self against it; the

Arguments

Arguments for it were, that we should, in case of a Popish Successor, have a Popish Army. Anno 1 Jac. II.
1685.

' You see the Act of the Test already broken, but pray remember what the late Lord Chancellor told you when the late King (of Blessed Memory) past that Act; (the Words were to this effect :) By this Act you are provided against Popery, that no Papist can possibly creep into any Employment. I am afflicted greatly at this Breach on our Liberties, and seeing so great difference betwixt this Speech and those heretofore made, cannot but believe this was by some others Advice.

' This struck at here, is our All; and I wonder there have been any Men so desperate, as to take any Employment not qualified for it, and would have therefore the Question put, That a standing Army is destructive to the Country.'

' The number of the standing Forces is about 14 or 15000 Sir J. Erskine. Men, and they were about half so many before, and I conceive we are not safe without these Forces to aid and help the Militia. I am not for laying the Militia aside, but I say, there is a necessity for a standing Force.

' Half the Charge of those Forces is about 300000 l. yearly, the whole, being 600000 l. yearly, I conceive is all we need to give for it; of that there remains 200000 l. unreceived of the 400000 l. given last; so that 200000 l. may go towards it, and the rest may be supplied by a Tax on such Commodities, as, for balancing of Trade, may better be charged than not. I am for a Supply.'

' I stand up for, and would not have the Militia reflected on, it was very useful in the late Rebellion of Monmouth, it kept him from Bristol and Exeter, and is as good as any Army we can raise against any at home. I am for the Militia.' Sir Hugh Cholmondeley.

' I see just cause for a Supply, and would give it, and to reward the Officers not qualified, or take them off some other way.' Mr. Coventry.

' I dread a standing Army, but am for a Supply.'

' Kings in old time used to send not only an account of their Revenues, but of the Charge they were going to be at, to the Parliament, when they demanded Aids. Henry the Vth had but 56000 l. and Queen Elizabeth had 160000 and odd pounds yearly. I am for a Bill for making the Militia useful, and would know if we give Money, that it be not for setting up a standing Army.' Mr. Aubrey.
Mr. Wogan.

' I am for good Guards, the Kingdom guarded by Law; we are now in perfect Peace; the King is both feared and loved; an Army little needed; Men justly afraid: That which made the last Rebellion as it was, the Man that headed

it,

Jan. 11. 1685.

Mr. Seymour.

It, was a Favourite of the Faction, and though he had got such a number, he was beaten by 1800 Men only. I am against an Army.

' This last Rebellion has contributed to our future Peace, and those engaged in it have sung their Penitential Psalm, and their Punishment is rejoiced at by all good Persons. I do not commend the Militia, yet it is not to be rejected, but to be new modelled; and for my part, I had rather pay double to these, (meaning for keeping up the Militia) from whom I fear nothing, than half so much to those, of whom I must ever be afraid; and say what you will, 'tis a standing Army.

' The last Force preserved the Peace, and was sufficient to do it in the late King's time, and is now; all the profit and security of this Nation is in our Ships, and had there been the least Ship in the Channel, it would have disappointed him.

' Supporting an Army, is maintaining so many idle Persons to lord it over the rest of the Subjects.

' The King declared, no Soldiers should quarter in Private Houses, but that they did; that they should pay for all things they took, but they paid nothing for almost all they took.

' And for Officers employed not taking the Oaths, is dispensing with all the Laws at once; and if these Men be good and kind, we know not whether it proceeds from their Generosity or Principles, for we must remember, 'tis Treason for any Man to be reconciled to the Church of Rome, for the Pope by Law is declared Enemy to this Kingdom.

' A Supply given as moved for, is a kind of an establishing an Army by Act of Parliament, and when they have got the Power into their Hands, we then are to derive it from their Courtesy; and therefore I would have the Question be,

' That the Safety of the Kingdom doth not consist with a standing Force, and this, it may be, will disappoint those Persons that make it their Business this way to make themselves useful.'

Sir T. Clarges.

Sir T. Meers.

' Then moved for an Address.'

' I am first for a Supply, that hinders not an Address; His Majesty in his Speech only says, that the Militia is not sufficient.

' The late long Parliament always owned some Force necessary, we are not to name the number, the King is best Judge of that, a great Soldier, and a good Prince.

' For I hear the number is 14 or 15000, and I am for a Supply, and never saw but Money was always one part of the Business of every Parliament.

' There

‘ There was a bitter Spirit in the three last Parliaments, not yet well allay’d, and so I conclude a considerable Force needful besides the Militia. I call those raised, Guards, and would have a Supply given to support his Majesty’s Extraordinary Occasions.’

Anno 1 Jac. II.
1685.

‘ The Navy wants 6 or 800000 l. and I would give any Reason for it, so a Supply may without a Negative be given.’

‘ There is already a Law, that no Man shall, on any Occasion whatever, rise against the King. Lords and Deputy-Lieutenants have power to disarm the disaffected: If you give thus a Supply, it is for an Army, and then may not this Army be made of those that will not take the Test? which Act was not designed as a Punishment for the Papists, but a Protection for ourselves, and giving this Money is for an Army, I am against it.’

Serjeant Maynard.

‘ I must concur with the King, that the Militia, is not sufficient; I am for mending the Militia, and to make it such as the King and Kingdom may confide in it; to trust to mercenary Force alone, is to give up all our Liberties at once.’

Sir Richard Temple.

‘ If you provide a constant Supply to support them, by setting up an Army, Sir Thomas Meers has turned it into a Supply for the Navy.’

‘ There is no Country in the World has a Law to set up an Army, we have already made an ample Supply for the Government. ’Tis for Kings to come to the House from time to time on extraordinary Occasions, and if this Army be provided for by Law, they will never more come to this House.’

‘ I am for giving for the extraordinary Charge past. Armies are useful when occasion is for them, but if you establish them, you can disband them no more.’

‘ I am for a Supply, but not on this score of the Militia; there was not a Company formed till 1588, and as soon as Queen Elizabeth had done with her Army, she disbanded it. Armies have been fatal often to Princes. The Army in the late King’s time often turned out their Leaders. I am for moving the House for leave for a Bill to mend the Militia.’

‘ The Beef-eaters at this Rate may be called an Army.’

Sir William Clifton.

‘ The Colonel may say what he will of the Beef-eaters, as he nick-names them, but they are establish’d by Act of Parliament.’

Mr. Thomas Howard.

‘ I can make out that the King’s Revenue is sufficient to maintain the Force on foot.’

Mr. S.

The Question, That a Supply be given to his Majesty.

Sir Thomas Clarges moved, that the Words (toward the Support of the additional Forces) may be added.

The Committee divided. Yeas 156. Noes 225. It was carried in the Negative, and then these Votes pass.

Anno 1 Jac. II.
1685.

That a Supply be given to his Majesty, and that the House be moved to bring in a Bill to make the Militia useful.

And then adjourned.

The 13th, A Motion being made by the Earl of Middleton, that the House should proceed to the further Consideration of his Majesty's Speech.

The House thereupon resolved itself into a Committee of the whole House, and the previous Question being then put for the House to go on with the Supply, or proceed to the next Paragraph. The House divided.

For proceeding to the Supply—182.

For proceeding to the next Paragraph.—183.

Then the House adjourned.

The 14th, An Address was moved in the Committee by Sir Edward Jennings.

The House resolved itself into a Committee on that Paragraph of his Majesty's Speech, which next follows the Supply. When Sir Edward Jennings moved for an Address humbly shewing: That those Officers of the Army who are not qualified for their Employments, by the Acts for preventing Dangers which may happen, from Popish Recusants cannot, by Law, be capable of the said Employments, and that it be part of the said Address: That his Majesty would be pleased not to continue them in their Employments.

Others moved the inconveniency of it, if not granted, and so let it alone. Others to have the Catholics, who had been so useful and well known to his Majesty, named and compensated. Some seemed to doubt his Majesty's Compliance. Others that it was not to be doubted, when addressed by such a House.

At last it came to this Conclusion, That Instructions be given to a Committee, to draw an humble Address to his Majesty; wherein the last Words in the above Motion were ordered to be alter'd as follows. That his Majesty would be graciously pleased to give such Directions, that no Apprehensions, or Jealousies may remain in the Hearts of his Majesty's good and faithful Subjects.

Then the House adjourn'd.

The 16th, Mr. Solicitor reports, That the Committee appointed had drawn up an Address to his Majesty: which was read and agreed to, and is as follows, viz.

The Commons
Address.

Most Gracious Sovereign, We your Majesty's most loyal and faithful Subjects, the Commons in Parliament assembled, do in the first place (as in Duty bound) return your Majesty our most humble and hearty thanks for your great Care and Conduct in suppressing the late Rebellion, which threatened the Overthrow of this Government, both in Church
and

and State, to the Extirpation of our Religion as by Law Anno 1 Jac. II. 1685. establish'd, which is most dear untous, and which your Majesty hath been pleas'd to give us repeated Assurances you will always defend and maintain, which with all grateful Hearts we shall ever acknowledge.

' We further crave leave to acquaint your Majesty, that we have with all Duty and Readiness taken into our Consideration your Majesty's Gracious Speech to us: And as to that Part of it, relating to the Officers in the Armies not qualified for their Employments according to an Act of Parliament made in the 25th Year of the Reign of your Royal Brother, Entitled, *An Act for preventing Dangers which may happen from Popish Recusants.*

' We do out of our bounden Duty, humbly represent unto your Majesty,

' That these Officers cannot by Law be capable of their Employments, and that the Incapacities they bring upon themselves that Way, can no way be taken off but by an Act of Parliament.

' Therefore out of that great Reverence and Duty we owe unto your Majesty, who has been graciously pleas'd to take notice of their Services to your Majesty, we are preparing a Bill to pass both Houses, for your Royal Assent, to indemnify them from the Penalties they have now incurred, and because the continuing of them in their Employments may be taken to be a dispensing with that Law without an Act of Parliament, the Consequence of which is of the greatest Concern to the Rights of all your Majesty's Subjects, and to all the Laws made for the Security of their Religion.

' We therefore, the Knights, Citizens, and Burgeesses of your Majesty's House of Commons, do most humbly beseech your Majesty, that you would be most graciously pleas'd to give such Directions therein, that no Apprehensions or Jealousies may remain in the Hearts of your Majesty's most loyal Subjects.'

A Motion being made for going to the Lords for their Concurrence.

Some debated, that it would carry with it the greater Weight, and be more likely to have good Effect, and if the Concurrence of the Lords were asked, the Judges in the Lords House would have an Opportunity of speaking their Opinion to it.

Others oppos'd it, for the Lords having already given their Thanks to the King for his Speech, as being contented therewith, and that it would be more for the Honour of the House of Commons to Address alone.

Anno 1 Jac. H.
1685.

Those that were against the thing itself when it pass'd, were about going to the Lords for their Concurrence.

The House divided. For asking Concurrence, Yeas 138, Noes 212. It pass'd in the Negative. Then the Members of the House that were of his Majesty's Privy-Council, were ordered to know when his Majesty would be pleas'd to be attended therewith.

Mr. Solicitor in the Chair. The House being resolv'd into a Committee of the whole House, to consider of a Supply for his Majesty.

Debates on the
Supply.

Lord Campden.

Sir J. Ernley.

'Moved, 200,000*l.* to be given to the King for a Supply, which with 200,000*l.* confest'd of what was given for suppressing the late Rebellion, makes 400,000*l.*'

'Moved, that 1,200,000*l.* was needful, and that such a Sum had been given before in the same Session, when there was an Address of this kind made to the late King.'

Sir T. Courtenay.

'We have this Session already given Customs and Excises for his Majesty's Life.'

Additional Duty on
Wines 8 Years } Yearly 150,000*l.*

Tax on Sugar and
Tobacco 8 Years } Yearly 200,000*l.*

Tax on Linnen and
East-India Com-
modities 5 Years. } Yearly 12,000*l.*

In all six Millions.

'Let us give little now, to have Opportunity to give more another time; for if we give too much now, we shall have nothing left to give; and if we proceed thus, what we have more will be taken from us.'

Sir Edmund
Jenkins.

'To give 1,200,000*l.* now, because such a Sum has been given, is no Argument; once 2,400,000*l.* was given here, and therefore should it be so now? 200,000*l.* with what is already confest'd to be in Cash, makes 400,000*l.* and that will maintain the Charge one Year and better; and giving all at once is doubting the Affection of the People.'

Lord Preston.

'You unanimously voted a Supply last Night, and naming so little now, is not so ingenuous a Way of proceeding. We are told six Millions have been this Session given; I would have you, Gentlemen, take notice, the giving his Majesty what the late King had, is but settling a Revenue that before was not sufficient for the Support of the Government; what was given besides, was part for the late King's Servants, part for the Fleet and Stores, and part for suppressing the late Rebellion.'

'To give so little now, is not to enable the King to defend and preserve us, which he has promised to do. I am for 1,200,000*l.*'

The

' The Question is for 200,000 l. or for 1,200,000 l.
' What has been given already, ought not to be weigh'd in this Matter at all; and what is call'd six Millions, had all Uses (when given) tack'd to it.

Anno 1 Jac. II.

1685.

Lord Ranelagh.

' The Revenue his Brother had, had Uses enough, as—

' *The Wine and Vinegar Act*, rated at yearly 150,000 l.

' For the Fleet, Stores, Ordnance, and Servants.

' *The Sugar and Tobacco Act*, rated at yearly 200,000 l.

' For the said Stores, Ordinary, and Fleet—

' *And the Additional Duty on French Linen and East-India Commodities*, rated at yearly 120,000 l. was employ'd.

' For suppressing the late Rebellion ———

' So there are Uses for all that; and what is now given, must be taken for supporting the Forces.——

' And therefore I am for 1,200,000 l.'

' Two hundred thousand Pounds is much too little: Soldiers move not without Pay. *No Penny, no Pater Noster.*——

Sir William Clifton.

' Moved for 700,000 l. and mention'd to have it rais'd upon the new Buildings, which might produce 400,000 l. and a Poll-Bill for the other 300,000 l.'

Mr. Ewers.

' If I knew the King's Revenue were short, I would give as far as any Man; but now we are going for this particular Use, and if this 200,000 l. will not do, how can we be sure that 1,200,000 l. will? ——

Mr. Wogan.

' If we give too little now, hereafter, if we see Occasion, we may give more; but if we now give too much, I do not see how we shall ever have it again, though I have heard of such a thing in Queen Elizabeth's time,

' The King (reckoning what he had of his own into it) has 600,000 l. yearly, more than the late King had, and when there is need, I am for more; but now only 400,000 l. and to raise that easy you will be put to it: How will you do it?

' If you lay it upon Trade, that will make it Revenue, and when once in the Crown for some time, it will never get out again. I am for only 400,000 l.'

' If the King wants 200,000 l. I would give him 200,000 l. but I am for giving no more than he really wants.——' Lord Castleton.

' We give because we are ask'd; I am for the least Sum, because for an Army, and I would be rid of them as soon as I could; and am more now against it than I lately was, being satisfy'd that the Country is weary of the Oppression of the Soldiers, weary of free Quarters, Plunder, and some Felonies, for which they have on Complaint, no Redress: And since I heard Mr. Blathwaite tell us, how strict Rules were prescribed them by the King, I find by their Behaviour, the King cannot govern them himself, and then what will become of us? Mr. Wyndham, of Salisbury.

' The

Anno 1 Jac. II.
1685.

Sir William
Honeywood.

Mr. Christley.

' The Rebellion is suppress'd, and the Army is urged to be small, but it is so thick of Officers, that by filling up the Troops, which is easily at any time done, increases their Number to a third Part more. I am for providing for them but one whole Year only, and only for 400,000*l*.'

' I agree to the 400,000*l*. We owe besides that, a Duty to our Country, and, are bound in Duty to leave our Posterity as free in their Liberties and Properties as we can; and there being Officers now in the Army, that have not taken the Test, greatly flats my Zeal for it, and makes me esteem the Militia; which, if we well modelled, and placed in Men's Hands of Interest in their Country, we are certain of, and so is the King secure; for there is no such Security of any Man's Loyalty, as a good Estate.

' Reasons I have heard given against Armies, that they debauch'd the Manners of all the People, their Wives, Daughters, and Servants.

' Men do not go to Church where they Quarter, for fear Mischief should be done at their Houses in their Absence.

' Plowmen and Servants quit all Country Employments to turn Soldiers; and then a Court-Martial in time of Peace, it most terrible.

' In Peace, Justices of it, and the Civil Magistrate ought to punish, if applied to.

' And what Occasion then can be for them?

' Is it to suppress a Rebellion in time of an Invasion? All then will go towards that.

' Or is it to assist Allies? The House will give aid when wanted on that Score.

' The Guards I am not against, those shewed themselves useful in Venner's Business, and the late Rebellion; I am not against them, I only speak of those that have been new rais'd.

Colonel Ashton.

' I'll tell you the Use of these Forces; they expected the rising of a great Party, and were not these Forces standing, to prevent a Rebellion, you would have one in few days.

Mr. Blathwaite.

' If any Disorders have been committed, it is not yet too late to have them redress'd; and Martial-Law (if by that clear'd) does not hinder proceeding at Common-Law for the same thing.

' Four hundred thousand Pound is not enough; no State near us in Proportion, but what exceeds this small number of Men.'

Sir Thomas
Clarges.

' There are seven Millions of Souls in England; but the Strength of England consists in our Navy, in which (for want of Men) France can never equal us; their Trade will not breed them; a Ship of 50 Tuns will carry 100,000*l*. of their Goods, Linnen and Silks. Ours are bulky Goods, and

employs

employs twenty times more, unless you (by burdening of Trade) let them into the West-Indies. Armies are not manageable, Commanders have been very often known to rebel: The Measure of our Supply is our Security.

Anno 1 Jac. II.
1685.

‘ His Majesty’s Declaration says, if on Complaint, the Officers give no Redress, then complain to the King; and so Justice is balked by that Hardship put upon the Complainant.’

‘ Moved to have it temporary for two Years.’

Sir William

‘ Let it be to enable His Majesty to preserve us in Peace at home, and to make His Majesty formidable abroad: I am for 1,200,000 l. as a Supply answerable to the Loyalty of this House.’

Twisden.

Sir Christopher
Musgrave.

‘ This House was so forward to give last Time, that the King’s Ministers gave their Stop to it.’

Sir Hugh Chol-
mondeley.

‘ The Use is to direct the *Quantum*. I see a present Necessity for continuing these Forces till the Militia is made useful; I am for trying two Years, and so for 400,000 l. and so leave the Door open for coming hither to give another time.’

Sir Jo. William-
son.

‘ The Principle of the Rebel-Party is never to repent. I am for 1,200,000 l. and if so much be given, I would have you, Gentlemen, to remember the Fanatics are the Cause of it.’

Sir Thomas
Meers.

‘ An Island may be attacked notwithstanding any Fleet. Ours is much mended, a thousand Men daily at work, ever since we gave Money for it, and not one Man in it an Officer, that has not taken the Test.’

Mr. Pepys.

‘ New Troops are not so good as old, and more subject to commit Disorders, but will be less so, when they are longer under Discipline. The King of France never sends Troops to his Army, till they have been two or three Years on foot in a Garrison.’

Colonel Ogle-
thorpe.

‘ The Trained Bands at Newbury-Fight did brave things.’

Sir Thomas
Clarges.

Then the Question was put, That a Sum not exceeding 400,000 l. should be given to the King.

The Previous Question being put. Yeas 167. Noes 179. It passed in the Negative.

Then the Question was put for 700,000 l. and no more. Yeas—212 Noes—170. So it passed in the Affirmative. The Words *not exceeding the Sum* being added, instead of the Words *and no more*. 700,000 l. voted.

The Question for 1,200,000 l. being thus waved, it was Ordered, that the Committee of the whole House should tomorrow proceed on his Majesty’s Supply, and on Wednesday to consider of Heads for a Militia-Bill.

The 17th, The House resolved itself into a Committee of the whole House, to consider the way of raising his Majesty’s Supply.

Mr.

Anno 1 Jac. II.
1685.

Farther Debates
on the Supply.

Sir John Ernley.

Mr. North in the Chair.

Moved, that such an additional Duty might be upon Wines as might yield 400,000*l.* yearly; and upon other Goods he named, as might raise about 600,000*l.* Yearly; which with the Continuance for some Years of the late Act of Imposition of French Linnens, and East-India Silks, &c. might make up the Sum; and told the House, he propos'd this way, to avoid a Land-Tax.

The Goods he named to be rated, were Soap, Pot-ashes, to pay 7*d.* $\frac{1}{2}$ to treble; unwrought Silks, Deals, Planks, and other Boards to double. Raisins and Prunes 2*s.* *per Cent.* to double. Iron now pays 7*s.* *per Cent.* to double. Copperas 18*s.* *per Cent.* to double. Oils to 8 or 10 *per Tun*, pay now 30*s.* Drugs will bear $\frac{2}{3}$ more than rated. Drugs and Spice from Holland, Salt, and all prohibited Goods, 20*l.* *per Cent.*

And this I hope may do what is now intended to be rais'd at this time, supposing 4*l.* *per Tun* on French Wines.

Sir Dudley
North.

Moved much to the same effect, and enlarged on it, and said, the Book of Rates had been well consider'd, and these Goods were capable of bearing the Duties propos'd; but if the King took the 4*l.* *per Tun* on French Wines at above twenty thousand pounds Yearly, he would be a loser by it.

Other Gentlemen insisted on having French Linnen higher charg'd.

Mr. Neale.

The Pepper that is expended here, paying one Penny a Pound, might pay one Penny more, and so yield 70 or 80000*l.* yearly; and that Bullion exported to the Indies, might bear 5*l.* *per Cent.* and encourage the sending of other Goods (in some measure) instead of it thither.

Sir Richard
Temple.

Moved Subsidies or Land-Tax; but the House inclining to what was first propos'd, and being consented to by the King's Ministers, seem'd contented with it; so was voted, That an Act for laying an Imposition on French Linnens, East-India Goods, Brandy, &c. should be continued for five Years from Midsummer 1690. and be given to his Majesty as 400,000*l.* And that

An Imposition of 4*l.* *per Tun* be laid upon all French Wines, on which to be rais'd 300,000*l.* which makes up the 700000*l.*

The time how long this 4*l.* *per Tun* shall be laid, is not yet determined, an Account being first to be brought from the Custom-House Books, of what Number of Tuns are yearly imported; 'twas said 100,000 Tuns: Others affirm'd, there were near double so many.

The House seem'd to incline to 8 or 10 Years, and that the Duties already on it should still continue for the same time; which 4*l.* *per Tun*, with the Duty it already pays, is near 20*l.* *per Tun*.

The 18th, Mr. Speaker acquaints the House, that his Majesty having been yesterday attended in the Banqueting-House

House at Whitehall with the Address of Thanks from this House for his great Care and Conduct, in suppressing the late Rebellion; and likewise concerning the Officers of the Army not qualified for their Employments, was graciously pleased to return an Answer, to the effect following.

Anno 1 Jac. II.
1685.

‘ My Lords and Gentlemen, I did not expect such an Address from the House of Commons. For, having so lately recommended to your Consideration the great Advantages a good Understanding between us had produc’d us in a very short time, and given you warning of Fears and Jealousies amongst ourselves; I had reason to hope, that the Reputation God had blessed me with in the World, would have seated and confirmed a good Confidence in you for me, and of all that I say to you.

‘ But however you proceed on your Part, I will be steady in all my Promises I have made to you, and be just to my Word in this, and all my other Speeches.’

The King's
Answer to the
Address.

The said Answer was read with all due Reverence and Respect, and there being a profound silence in the House for some time after it;

Mr. Wharton moved, that a Day might be appointed to consider his Majesty's Answer to the late Address of this House, and named Friday next.

Mr. Coke stood up and seconded that Motion, and said, ‘ I hope we are all Englishmen, and not to be frightened out of our Duty by a few high Words.’

Lord Preston took present Exceptions against the Words, which, as is usual, were writ down by the Clerk, and Mr. Coke call'd upon to explain——

Mr. Coke said, ‘ he intended no ill by it; and that he did not believe these the Words: And that if he had said any thing that had given that House Offence; he was sorry, and would ask them Pardon for it.’

‘ It is not enough to say these were not the Words, but you are to say what the Words were.’

Sir Christopher
Musgrave.

‘ I do not make set Speeches: I cannot repeat them; and if they did drop from me, I ask the King and you Pardon.’

Mr. Coke.

So these being took for granted to have been the Words, Mr. Coke, as the Custom is in such Cases, withdrew into the Speaker's Chamber.

‘ Not our own Honour, but the King is concern'd in this; and moved, that he should be brought to the Bar, and there to receive a Reprimand from Mr. Speaker for it.’

Sir J. Talbot

‘ He is a Gentleman of great Loyalty, never before of the House; I do desire he may have what Favour may be.’

Sir H. Cholmondeley.

‘ A great Reflection upon this House, if this be let pass. Several spoke of his Loyalty, but none to excuse him for this.’

Mr. Aubrey,

To Mr. J.

C c

Send

Anno : Jac. II.
1685.

Lord P.
Lord Middleton.
Mr. Solicitor.

Mr. Coke sent
to the Tower.
Mr. Seymour.

Sir J. Ernley.

Sir T. Meers.

Sir T. Clarges.

Proceedings On
the Supply.

' Send him to the Tower.'

' The meaning of this seems like an Incendiary. The Tower !'

' This needs no Aggravation ; a Reprimand for an Offence to this House, might do ; but this does not end there, and 'tis a question whether it be in the power of the House to pass it by ; the Offence is given to the King as well as you : I am for calling him to the Bar in the first place.'

But 'twas then order'd, that Mr. Coke for his undecent Speech, should be sent to the Tower.

' Now this is over, I cannot but consent to those that moved for a day, to consider of His Majesty's Answer ; nor think my self as honest as I should be, if I now hold my tongue.

' And if we do take this Matter into Consideration, I doubt not but we shall behave our selves with that decency to His Majesty, that we may hope for a more satisfactory Answer, than as yet this seems to be to me.'

' I did hope the Acquiescence that was this Morning in this House, on reading His Majesty's Answer, had ended this Matter. I do think the King will do all what he promised, and am for resting there.'

Mov'd to adjourn, and said, ' he did not know what to say to it.'

' For that very Reason I move for a Day to consider of it ; and I do not think we shew that Respect we ought to do to the King, if we do not.' Adjourn'd.

The 19th, The Committee appointed to search the Custom-House Books, how many Tuns of French Wines were yearly imported, report to the House, That 4 l. *per* Tun laid upon French Wines, would, all Deductions allowed, bring in yearly 350,000 l.

Mr. Solicitor took the Chair.

And 'twas thereupon resolv'd, That the 4 l. *per* Tun, to be laid on French Wines, for the raising of 300,000 l. be continued from the first of December 1685 yearly, for nine Years and a half.

To which the House agreed, and Mr. Solicitor was order'd to bring in a Bill on the Debates of the House, with a Clause of Loan for the said Imposition of 4 l. *per* Tun for the said nine Years and a half, from the first of December 1685. And then adjourn'd.

The 20th, A Message from the King by the Gentleman-Usher of the Black-Rod.

' Mr. Speaker, It is His Majesty's Pleasure, this Honourable House do attend him immediately in the House of Peers.' Where being come, the Lord Chancellor, by His Majesty's Directions, said as followeth:

' My

My Lords, and you the Knights, Citizens, and Bur-
 gesses of the House of Commons, I am commanded by His
 Majesty to let you know, that it is His Majesty's Pleasure,
 for many weighty Reasons, that this Parliament be proro-
 gued till the 10th day of February next: And accordingly
 this Parliament is prorogued till the 10th day of February
 next.

Anno 3 Jac. II.
 1688.

Lord Chancellor
 prorogues the
 Parliament.

'Tis remarkable the King lost 700,000 l. by this Proroga-
 tion; to which he added three more; and, after trying all
 sorts of Practices to render the Members more ductile in
 vain, dissolv'd the Parliament July 2. 1687.

Dissolv'd.

The next Year the Prince of Orange came over by Invitation
 from the People, and the King being deserted by his Army,
 Friends, and Children, withdrew to France; which was no
 sooner known, but the House of Lords exerted their Au-
 thority, and immediately assembled themselves in their
 House at Westminster; where, after a long Debate, relating
 chiefly to the Prerogatives of a King of England, they re-
 solv'd to begin with the following Address to the Prince of
 Orange: ' We the Lords Spiritual and Temporal, assem-
 bled in this Conjunction, do desire your Highness to take
 upon you the Administration of Public Affairs both Civil
 and Military, and the Disposal of the Public Revenue, for
 the Preservation of our Religion, Rights, Laws, Liberties
 and Properties, and of the Peace of the Nation; and that
 your Highness will take into your particular Care the pre-
 sent Condition of Ireland, and endeavour by the most speedy
 and effectual Means to prevent the Dangers threatening that
 Kingdom: All which we make our Requests to your High-
 ness to undertake and exercise, till the Meeting of the in-
 tended Convention, the 22d day of January next; in which,
 we doubt not, such proper Methods will be taken, as will
 conduce to the Establishment of these things upon such sure
 and legal Foundations, that they may not be in danger of
 being again subverted.' Dated at the House of Lords,
 Westminster the 25th of December.

Prince of
 Orange lands.
 The King with-
 draws.
 House of Lords
 meets.

Their Address
 to the Prince of
 Orange.

Having made this first Step, their Lordships proceeded to
 consider of the most effectual Way for summoning the said
 Convention, and the same Day drew up their Opinions, in
 this second Address to the Prince: ' We the Lords Spiritual
 and Temporal, assembled at Westminster in this extraordi-
 nary Conjunction, do humbly desire your Highness to cause
 Letters to be written, subscrib'd by your self, to the Lords
 Spiritual and Temporal, being Protestants; and to the several
 Counties, Universities, Cities, Boroughs, and Cinque-Ports
 of England, Wales, and the Town of Berwick upon Tweed:
 The Letters for the Counties to be directed to the Coroners
 of the respective Counties, or any one of them; and in de-

Another,

Anno 3 Jac. II.
1688.

fault of the Coroners, to the Clerk of the Peace of the respective Counties: And the Letters for the Universities, to be directed to every Vice-Chancellor: And the Letters to the several Cities, Boroughs and Cinque-Ports, to be directed to the Chief Magistrate of each respective City, Borough and Cinque-Port; containing Directions for the chusing, in all such Counties, Cities, Universities, Boroughs and Cinque-Ports, within ten Days after the Receipt of the respective Letters, such a Number of Persons to represent them, as are of Right to be sent to Parliament: Of which Elections, and the Times and Places thereof, the respective Officers shall give Notice, within the space of five Days in the least. Notice of the intended Elections for the Counties, to be publish'd in the Churches, immediately after the Time of Divine-Service, and in all the Market-Towns within the said respective Counties: And Notice of the intended Elections for the Cities, Universities, Boroughs and Cinque-Ports, to be publish'd within the said respective Places. The said Letters, and the Execution thereof, to be return'd, by such Officer and Officers who shall execute the same, to the Clerk of the Crown in the Court of Chancery; so as the Persons so to be chosen may meet and sit at Westminster, on the 22d day of January next. These two Addresses were subscrib'd by about ninety Lords, that were then present in the House.

The Proceedings of the
Prince of
Orange.

In the mean time the Prince of Orange proceeded with all Vigour and Diligence. His Highness seem'd never to doubt a considerable Party among the Peers; therefore the regular Concurrence of the Commons of England appear'd the most important Point; and to assemble them after a legal Manner, was no small Difficulty. There was no King in the Nation, nor any particular Style or Form of Government; the Writs were destroy'd, and the Great Seal thrown away and lost. After a long Consultation upon this weighty and knotty Affair, a late Precedent was produc'd, which seem'd to agree with the present Exigency. About the latter End of the Year 1659, General Monk, with the Nobility and Gentry that labour'd for King Charles's Restoration, in opposition to the Rump Parliament, who pretended to continue sitting, issu'd forth their Summons in the Names of the Keepers of the Liberties of England, for a Convention or Parliament, to meet on the 25th of April, 1660. And tho' this was done by unqualify'd Persons, without the formal Consent of the People, yet after the King's Return, he was so well satisfy'd with their Proceedings, that it was enacted by the King and the Three Estates of the Realm, That the Lords and Commons then sitting were the two Houses of Parliament; notwithstanding any Want of the King's

King's Writs, or any other Defect whatsoever.' From Anno 3 Jac. II. 1688.

whence his Highness's Council inferr'd, ' That if the Necessity of Affairs was a forcible Argument in 1659, it was certainly of a greater Force in the present Conjunction : Now because the Commons of England have not the same Power to assemble as the Peers, the Prince publish'd this following Order; ' Whereas the Necessity of Affairs does require speedy Advice; We do desire all such Persons as have serv'd as Knights, Citizens or Burgeses in any of the Parliaments that were held during the Reign of the late King Charles the Second, to meet us at St. James's, upon Wednesday the 26th of this Instant December, by ten of the Clock in the Morning. And we do likewise desire; That the Lord Mayor and Court of Aldermen of the City of London would be present at the same time; and that the Common-Council wou'd appoint fifty of their Number to be there likewise. And hereof we desire them not to fail.

He summons
the Commons,
&c.

Pursuant to this Summons, many Members of the Parliaments in King Charles's Reign, to the Number of about a hundred and sixty, and the Aldermen and Deputies of the Common-Council of the City of London, assembled at St. James's, on Wednesday the appointed Day; where the Prince made this following Speech to them: ' You, Gentle- men, that have been Members of the late Parliaments, I have desired you to meet me here, to advise the best Manner how to pursue the Ends of my Declaration, in calling a Free Parliament, for the Preservation of the Protestant Religion, and the Restoring the Rights and Liberties of the Kingdom, and settling the same, that they may not be in danger of being again subverted. And you the Aldermen and Members of the Common-Council of the City of London, I desire the same of you. And in regard your Numbers are like to be great, you may, if you think fit, divide your selves, and sit in several Places.' The Lord Mayor being absent, upon the account of his Indisposition, the Prince gave the Copy of his Speech to Sir Thomas Allen, as being eldest Alderman, and styled Father of the City, desiring that he and the rest wou'd take that Paper into immediate Consideration.

His Speech to
them.

Accordingly, by Agreement, they all repair'd to the Commons House in Westminster; where being seated, and having chosen Henry Powle Esq; for their Chairman, the first Question they debated, was, What Authority they had to assemble? Upon which it was soon agreed, That the Request of his Highness the Prince was a sufficient Warrant. The next Question of Moment was, How his Highness could take upon him the Administration of Affairs without a distinguishing Name or Title? Which Objection being

They form
themselves into
a House.

Anno 3 Jac. II.
1688.



being started by Sir Robert Southwell, was sufficiently answer'd by Serjeant Maynard, who said, That the Assembly wou'd lose a great deal of time, if they waited till Sir Robert cou'd conceive how that was possible. A Temporary Offer of the Government being made to his Highness, one propos'd that it shou'd be, not for a Month only, but for a whole Year; to whom it was answer'd, that the Convention ought only to consider of that. Others mov'd that the Association, that had been sign'd by the Lords, might likewise be subscrib'd by this Assembly; but it was carry'd, that the said Association shou'd be left upon the Table, and every one be at liberty to sign it or not. After these previous Debates, they resolv'd upon Heads for an Address to be made to his Highness, and appointed Persons to draw up and prepare the same; and in the Afternoon it was done accordingly, and read and approv'd in this Form:

Their Address
to the Prince.

' We who have serv'd as Members of Parliaments during the Reign of the late King Charles the Second, together with the Court of Aldermen, and Members of the Common-Council of the City of London, assembled at your Highness's Desire, in this extraordinary Conjunction, do, with an unanimous Consent, tender to your Highness our humble and hearty Thanks, for you coming into this Kingdom, and exposing your Person to so great Hazards, for the Preservation of our Religion, Laws, and Liberties, and rescuing us from the Miseries of Popery and Slavery: And desire your Highness, (for the Pursuance of these Ends, and for the Preservation of the Peace of the Nation) will take upon you the Administration of Public Affairs, both Civil and Military, and the Disposal of the Public Revenues. We do also desire, that your Highness will take into your particular Consideration, the present Condition of Ireland; and endeavour, by the most speedy and effectual Means to prevent the Dangers threatening that Kingdom. All which, we desire your Highness to undertake and execute, until the Meeting of the intended Convention, the 22d day of January next.' Then, for the Chusing of Members for the said Convention, they propos'd the same which has been mention'd in the Lords Address; and so concluded in these Words, ' This we humbly offer to your Highness, as our best Advice, in this Exigency of Affairs, for attaining the Ends of your Highness's Declaration; and as the best Means tending to such an Establishment, as that our Religion, Laws and Liberties, may not be in danger of being again subverted.'

His Highness having appointed to receive the Address the next Morning, he was then attended by a Body of them; and the Address was presented and read by Mr. Powle to his

his Highness; who was pleas'd to declare, That it being a Matter of Weight, he wou'd consider thereof, and give his Answer the next Day. Accordingly, on Friday Morning, December 28, his Highness first gave the following Answer at St. James's to the Lords Spiritual and Temporal: ' My Lords, I have consider'd of your Advice; and, as far as I am able, I will endeavour to secure the Peace of the Nation, until the Meeting of the Convention in January next; for the Election whereof I will forthwith issue Letters, according to your Desire. I will also take care to apply the Public Revenue to the most proper Uses that the present Affairs require; and likewise endeavour to put Ireland into such a Condition, as that the Protestant Religion and English Interest may be maintain'd in that Kingdom. And I further assure you, That as I came hither for the Preservation of the Protestant Religion, and the Laws and Liberties of these Kingdoms; so I shall always be ready to expose my self to any Hazard, for the Defence of the same.' And in the Afternoon, his Highness was pleas'd to return the very same Answer to the Commons.

Annos 3 Jac. II.
1688.

His Highness's
Answer to the
Lords, and
their Address.

January the 22d, the Commons being conven'd, agreeable to the Letters issued by the Prince of Orange, at the Desire of the Lords, Commons, and Citizens of London, the Earl of Wiltshire put the House in mind that the first Business to be done was to chuse a Speaker, and that there was an Honourable Person in his Eye, whom he conceiv'd very well experienc'd in Methods of Parliament, and every way qualify'd for that Place. He then propos'd the Right Honourable Henry Powle Esq; who being approv'd by a general Call, to the Chair! was conducted to and placed in the same by the Earl of Wiltshire, and Sir Were Fane Knight of the Bath; where being seated, he spake to the following Effect:

The Convention
meets.

Earl of Wilt-
shire proposes
Mr. Powle to be
Speaker.

Who is plac'd in
the Chair.

' Gentlemen, I know very well that Excuses from this Place, are look'd upon only as Formalities: But I am so sensible of my own Defects, and so desirous that this House may not receive any Prejudice by them, that I most earnestly intreat you, that, among so many honourable and experienced Members as are here met this Day, you would make choice of one that is better able to perform the Duty of this Place.'

His Speech.

But his Excuse not being allow'd, the Mace was call'd for and placed upon the Table; after which, the House proceeded to the Choice of their Officers. And then Mr. Jephson, Secretary to the Prince of Orange, presented to the Speaker a Letter from his Highness, which the Speaker read to the House as follows:

' My

Anno 3 Jac. II.
1688-9.

The Prince of
Orange's Letter
to both Houses.

' My Lords and Gentlemen, I have endeavour'd to the utmost of my Power to perform what was desired from Me in order to the public Peace and Safety; and I do not know that any Thing hath been omitted which might tend to the Preservation of them, since the Administration of Affairs was put into my hands. It now lieth upon you to lay the Foundation of a firm Security for your Religion, your Laws and your Liberties. I do not doubt, but that by such a full and free Representative of the Nation, as is now met, the Ends of my Declaration will be attained: And since it hath pleas'd God hitherto to bless my good Intentions with so great Success, I trust in him, that he will complete his own Work, by sending a Spirit of Peace and Union to influence your Counsels, that no Interruption may be given to a happy and lasting Settlement.

' The dangerous Condition of the Protestants in Ireland requiring a large and speedy Succour, and the present State of Things abroad, oblige me to tell you, that next to the Danger of unreasonable Divisions among ourselves, nothing can be so fatal as too great a Delay in your Consultations. The States, by whom I have been enabled to rescue this Nation, may suddenly feel the ill Effects of it, both by being too long depriv'd of the Service of their Troops, which are now here, and of your early Assistance against a powerful Enemy, who hath declared a War against them. And as England is by Treaty already engag'd to help them upon such Exigencies, so I am confident, that their chearful Concurrence to preserve this Kingdom with so much Hazard to themselves, will meet with all the Returns of Friendship and Assistance, which may be expected from you as Protestants and Englishmen, whenever their Condition will require it. Given at St. James's the 22d Day of January, 1688-9.

The Speaker's
Speech there-
upon.

After the reading of this Letter, the Speaker represented to that Assembly, ' The dangerous State of the Nation, and the fatal Consequences of Anarchy; the deplorable Condition of the Protestants in Ireland, and how much England might be affected by the Loss of that Kingdom; and more particularly the Growth of the exorbitant Power of France, and the vast Designs of that turbulent and aspiring Monarch, not only the Persecutor of the Protestant Religion, but likewise the sworn Enemy of England; exciting the Assembly to put the Nation into a Posture, not only to secure themselves against all his Attempts, but also to make such a powerful Diversion in the very Bowels of his Dominions, as that they might recover their first Conquest of France,

France, or re-unite the Provinces of Normandy and Aquitain to the Imperial Crown of England, which, by an indisputable Right, appertain to it.' This Speech was receiv'd with universal Applause, and was seconded by several Members; who, at the same Time, under a deep Sense of their past Dangers, and present Deliverance, and excited by a Message from the Lords, mov'd that a Day of public Thanksgiving to the Almighty should be appointed throughout the Kingdom; which was accordingly done, as will be farther remember'd. Then to his Highness they voted the following Address, to which the Lords gave their unanimous Concurrence, and which was presented to him that very Day in a full Body.

Anno 3 Jac. II.
1688-9.

' We the Lords Spiritual and Temporal, and Commons assembled at Westminster, being highly sensible of the great Deliverance of this Kingdom, from Popery and Arbitrary Power; and that our Preservation is, next under God, owing to your Highness, do return our most humble Thanks and Acknowledgment to your Highness, as the glorious Instrument of so great a Blessing. We do farther acknowledge the great Care your Highness has been pleas'd to take, in the Administration of the public Affairs of the Kingdom, to this Time: And we do most humbly beseech your Highness, that you will take upon you the Administration of public Affairs, both Civil and Military, and the Disposal of the public Revenue, for the Preservation of our Religion, Rights, Laws, Liberties, and Properties, and of the Peace of the Nation. And that your Highness will take into your particular Care the present State of Ireland, and endeavour, by the most speedy and effectual Means, to prevent the Dangers that threaten that Kingdom. All which we make our Request to your Highness to undertake and execute, till farther Application shall be made by Us, which shall be expedited with all convenient Speed: And we shall also use our utmost Endeavours to give Dispatch to the Matters recommended to us by your Highness's Letter.'

The Address of
both Houses
to the Prince.

The Prince's Answer was as follows:

' My Lords and Gentlemen, I am glad, that what I have done has pleas'd you; and since you desire me to continue the Administration of Affairs, I am willing to accept it. I must recommend to you the Consideration of Affairs abroad, which makes it fit for you to expedite your Business; not only for making a Settlement at home, upon a good Foundation, but for the Safety of all Europe.'

His Answer.

The same Day, a Motion was made for printing the Votes; which, after some Debate, pass'd in the Negative.

TOMES II.

D d

About

Anno 4 Jac. II.
1688-9.

The King's
Letter to the
Lords and Com-
mons.

About this time, the King, now at St. Germain's, directed the following Letter to both Houses; in which, with great Concern, he told them, ' That he thought himself oblig'd in Conscience to do all he cou'd to open his People's Eyes, that they might see the true Interest of the Nation in this important Conjunction: That finding he cou'd no longer stay with Safety, nor act with Freedom, he had left the Reasons of his withdrawing from Rochester, under his own Hand: That understanding that Letter [here repeated at length] was not taken to be his, but was maliciously suppress'd by the Prince of Orange, he wrote to several of his Privy-Council, and directed Copies thereof to divers of them, the Peers of the Realm, believing none durst intercept or open any of his Letters: That of all these he had no Account, nor did he wonder that all Arts were us'd to hinder them from knowing his Sentiments: That he was resolv'd nothing shou'd be omitted on his Part, that could contribute towards the Redress of all former Errors, or present Disorders, or add to the securing of the Protestant Religion, or the Property of the Subject; intending to refer the whole to a Parliament legally call'd, freely elected, and held without constraint: And that none might despair of his Mercy, he declared on the Word of a King, that his Pardon shou'd be extended even to those that betray'd him, (some few excepted) resolving in that Parliament, by an Act of Oblivion, to cover all Faults.'

Not receiv'd.

This Letter was sent by the Lord Preston to the House of Commons, and directed to their Speaker: But the House understanding that it came from King James, they did not think fit to take any notice of it, and so rejected it unopened.

The State of
the Nation de-
bated.

Mr. Hampden.
Mr. Dolben.

On the 28th, The House being full, they proceeded to the great Consideration of the State and Condition of the Nation; whereupon they resolv'd themselves into a Committee of the whole House; and Mr. Hampden was put into the Chair. The first that stood up was Mr. Dolben, Son to the late Archbishop of York, who made a long Speech, to prove ' That King James's deserting the Kingdom, and his not appointing any Person to administer the Government in his Absence, amounted in Reason and Judgment of Law to a Demise of that Prince.' And he concluded with a Motion to the same Effect; which was seconded by Sir Richard Temple, and supported by Sir Robert Sawyer. After whom, first Sir Robert Howard asserted the Vacancy of the Throne, and the Breach of the Original Contract by a continu'd Series of illegal Acts, (many of which he enlarg'd

Sir Richard
Temple.
Sir Robert
Sawyer.
Sir Robert
Howard.

enlarg'd upon) throughout the whole Course of King James's Reign. His Allegations were maintain'd by Mr. Garraway, Sir Thomas Lee, Mr. Sacheverell; Mr. Pollexfen, Sir George Treby, and Mr. Sommers. Several of them objected against Mr. Dolben's Motion of a Demise, as not taking in King James's Male-administration; and because a Demise infers a Descent of the Crown to the next Hereditary Successor; whereas in this Case the Throne was not descended, but (as they insisted) Vacant. Mr. Finch contradicted the Doctrine of the Vacancy: He extoll'd the Courage, Conduct and Magnanimity of the Prince of Orange, who was to be compared to those ancient Heroes that were contented with the Glory of freeing Nations; and destroying Tyrants, without any particular Design upon their Crowns. He urg'd farther, 'That the most advisable Course would be; to come to such a Resolution as should meet with a most general Concurrence; and that, in his Opinion, the Establishing a Regency during the Life of King James, would give much greater Satisfaction to the Kingdom, than the Declaring the Throne to be Vacant.' Sir Christopher Musgrave insisted; 'That, to vote the Throne, is Vacant, would be actually to depose the King; and he desired to know from the Gentlemen of the long Robe, whether that could be legally done.' And Sir Edward Seymour spoke with great Warmth to the same Effect.

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1688-9.

Mr. Garraway.
Sir Thomas Lee.

Mr. Sacheverell.
Mr. Pollexfen.

Mr. George Treby.

Mr. Sommers.
Mr. Finch.

Sir Christopher Musgrave.

Sir Edward Seymour.

Lord Fanshawe.

Towards the Close of this grand Debate, the Lord Fanshawe mov'd 'that it might be adjourn'd to another Day, in regard of its very great Importance, and of the Mischief that might be occasion'd by taking too hasty Steps in a Matter of so much Weight.' This not being seconded, the Committee, without dividing, came to the following complicated Resolution, which, when ratify'd by both Houses, was perhaps one of the most memorable in all the English Records: 'Resolved, That King James the Second, having endeavour'd to subvert the Constitution of the Kingdom, by breaking the Original Contract between King and People; and by the Advice of Jesuits, and other wicked Persons, having violated the Fundamental Laws; and withdrawn himself out of the Kingdom, hath Abdicated the Government, and that the Throne is thereby become Vacant.'

Their grand
Vote of the
Vacancy of this
Throne.

This Resolution was the next day reported to the House, and being agreed to, it was sent up to the Lords for their Concurrence. And having thus got over their grand Point, they found others more easy; and the next Day they 'Resolved, That it hath been found by Experience, to be inconsistent with this Protestant Kingdom to be govern'd by a Popish Prince;' which Resolution was likewise sent up to

Other Votes;

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the Lords for their Concurrence. At the same time they presented an Address to the Prince of Orange, For the immediate Stopping of all Ships that were going to France. Two days after, Feb. 2. they voted, ' That the Thanks of the House be given to the Clergy of the Church of England, who had preach'd and written against Popery, and had refus'd to read in the Churches the King's Declaration for Toleration, in opposition to the pretended Dispensing Power claim'd in the late Reign of King James the Second, and had oppos'd the illegal Ecclesiastical Commission.' They farther Voted, on the same day, ' That the Thanks of the House be given to the Officers, Soldiers and Mariners of the Army and Fleet, for having testify'd their ready Adherence to the Protestant Religion, and being instrumental in delivering this Kingdom from Popery and Slavery; and to all such who had appear'd in Arms to that Purpose.' These two last Votes pass'd *nemine contradicente*, and without the least Opposition.

A Message from the Lords to the Commons, by Sir Miles Cook and Mr. Methuin, two Masters in Chancery attending the House of Lords:

' Mr. Speaker, The Lords have considered of the Vote of this House of the 28th of January last, to which they concur with Amendments; and unto which Amendments they desire the Concurrence of this House.

The Amendments made by the Lords to the Votes sent up to them from this House the 28th of January, were read and are as followeth;

L. 8. Instead of the Word *abdicated*, read *deserted*.

L. 9. Leave out these Words, *And that the Throne is thereby vacant*.

Feb. 4. To the first Amendment proposed by the Lords to be made to the Vote of the Commons, of the 28th of January, instead of the Word *abdicated*, to insert the Word *deserted*, the Commons do not agree; because the Word *deserted* doth not fully express the Conclusion necessarily inferred from the premises, to which your Lordships have agreed; for your Lordships have agreed, ' That King James the second hath endeavoured to subvert the Constitution of the Kingdom, by breaking the Original Contract between King and People, and hath violated the fundamental Laws, and withdrawn himself out of the Kingdom. Now the Word *deserted* respects only the withdrawing, but the Word *abdicated* respects the whole; for which purpose the Commons made choice of it. The Commons do not agree to the second Amendment, to leave out the Words, *And that the Throne is thereby vacant*.

First, Because they conceive, that, as they may well infer from

Debate on the
Word *abdicate*
begun.

from so much of their own Vote as your Lordships have agreed unto, That King James the second has abdicated the Government, and that the Throne is thereby vacant; so that if they should admit your Lordships Amendment, That he hath only deserted the Government; yet even thence it would follow that the Throne is vacant as to King James the second deserting the Government, being in true Construction deserting the Throne.

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1688-9.

Secondly, The Commons conceive they need not prove unto your Lordships, that as to any other Person, the Throne is also vacant; your Lordships (as they conceive) have already admitted it, by your addressing to the Prince of Orange the 25th of December last, to take upon him the Administration of public Affairs, both Civil and Military; and to take into his Care the Kingdom of Ireland, till the meeting of this Convention. In pursuance of such Letters, and by your Lordships renewing the same Address to his Highness, (as to public Affairs, and the Kingdom of Ireland) since you met, and by appointing Days of public Thanksgivings to be observed throughout the whole Kingdom, all which the Commons conceive do imply that it was your Lordships Opinion, that the Throne was vacant, and to signify so much to the People of this Kingdom.

Thirdly, It is from those who are upon the Throne of England (when there are any such) from whom the People of England ought to receive protection; and to whom, for that Cause, they owe the Allegiance of Subjects; but there being none now from whom they expect regal Protection, and to whom, for that Cause, they owe the Allegiance of Subjects, the Commons conceive, the Throne is vacant.

Resolved, That the Earl of Wiltshire do go up to the Lords, to desire a Conference upon the subject Matter of the Amendments.

A Conference
with the Lords
desir'd and
granted.

The Earl of Wiltshire reports, That he having attended the Lords, to desire a Conference, they had given Answer, That they did consent to a Conference immediately in the painted Chamber.

Resolved, That the Committee, to whom it was referred to prepare Heads of Reasons at a Conference with the Lords, be the Managers of the said Conference.

Mr. Hampden reports from the Committee appointed to manage the Conference with the Lords, That they had attended the Lords at the Conference, and communicated unto their Lordships the Reasons why this House doth not concur with their Lordships in the said Amendments.

Feb. 5. Mr. Hampden reports from the Conference with the Lords, that the Earl of Nottingham spoke to this effect:

Mr. Hampden's
Report thereon.

' That the Lords had desired this Conference with the Commons,

June 4. Jac. II.
1688-9.

Commons, that they might be as happily united to the Commons in Opinion, as they are inseparable in their Interest; and that they are, at this time, uneasy that they cannot concur with the Commons in every thing; because it is of so great a concern to the Nation, and from so great and wise a Body. That he then delivered what the Lords had done in reference to the subject Matter of the last Conference, and said, ' That the Lords did insist upon the first Amendment of the Vote of the House of Commons of the 28th of January last, instead of the Word abdicated to have the Word deserted.

' First, Because the Lords do not find, that the Word abdicated is a Word known to the common Law of England, and the Lords hope the Commons will agree to make use of such Words only, whereof the meaning may be understood according to Law, and not of such as will be liable to doubtful Interpretations.

' Secondly, Because in the most common acceptation of the civil Law, Abdication is a voluntary express Act of Renunciation, which is not in this Case, and doth not follow from the Premises, That King James the Second, by having withdrawn himself, after having endeavoured to subvert the Constitution of the Government, by breaking the Original Contract between King and People, and having violated the fundamental Laws, may be more properly said to have abdicated than deserted.

' He said, the Lords did insist on the second Amendment, to leave out the Words, *And that the Throne is vacant*, for this Reason:

' For that although the Lords have agreed, that the King has deserted the Government, and therefore have made Application to the Prince of Orange, to take upon him the Administration of the Government, and thereby to provide for the Peace and Safety of the Kingdom, yet there can be no other inference drawn from thence, but only that the exercise of the Government by King James the Second is ceased: so as the Lords were, and are willing, to secure the Nation against the return of the said King into this Kingdom; but not that there was either such an Abdication by him, or such a Vacancy in the Throne, as that the Crown was thereby become elective; to which they cannot agree;

' I. Because, by the Constitution of the Government, the Monarchy is hereditary, and not elective.

' II. Because no Act of the King alone can bar, or destroy, the Right of his Heirs to the Crown; and therefore in answer to the third Reason alledged by the House of Commons, if the Throne be vacant of King James the Second, Allegiance is due to such Person as the Right of Succession doth belong to.

The

The Question being put, that this House do agree with the Lords in the said first Amendment;

It passed in the Negative.

The Question being put, that this House do agree with the Lords in the said second Amendment;

The House divided.

The Yea's go forth.

The Tellers for the Yea's, Sir Joseph Tredenham, and Mr. Gwyn, 151.

The Tellers for the No's, Mr. Colt, and Mr. Herbert, 282.

And so it was resolved in the Negative:

Resolved, That a free Conference be desired with the Lords upon the subject matter of the last Conference:

A free Conference resolv'd.

Ordered, That it be referred unto:

Sir Robert Howard, Mr. Polexten, Mr. Paul Foley, Mr. Serjeant Maynard, Mr. Serjeant Holt, Lord Falkland; Sir George Treby, Mr. Sommers, Mr. Garraway, Mr. Boscawen, Sir Thomas Littleton, Mr. Palmer, Mr. Hampden, Sir Henry Capel, Sir Thomas Lee, Mr. Sacheverell, Major Wildeman, Colonel Birch, Mr. Ayres, Sir Richard Temple, Sir Henry Goodrick, Mr. Waller, Sir John Guyse,

To manage the Conference.

Ordered, That Mr. Dolben do go up to the Lords, and desire a free Conference with the Lords upon the Subject Matter of the last Conference.

Mr. Dolben reported, 'That he having (according to Mr. Dolben, the Order of this House) attended the Lords, to desire a free Conference with their Lordships, upon the Subject Matter of the last Conference, they had agreed for a free Conference presently in the Painted Chamber. And the Managers went to the free Conference in the Painted Chamber.' Which was thus open'd by Mr. Hampden.

'My Lords, the Commons have desired this free Conference from your Lordships upon the Subject Matter of the last Conference, that they may make appear unto your Lordships, that it is not without sufficient reason, that they are induced to maintain their own Vote; to which your Lordships have made some Amendments; and that they cannot agree to those Amendments made by your Lordships for the same Reasons.

Mr. Hampden,

'My Lords, the Commons do very readily agree with your Lordships, That it is a matter of the greatest concernment to the Kingdom in general, its future Peace, and happy Government, and the Protestant Interest, both at home and abroad, that there be a good Issue and Determination of the Business now in Debate between both Houses, and as speedy a one as can consist with the doing of it in the best manner. This way of intercourse between both

Houses

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1633-9.

Houses by free Conference, where there is full liberty of objecting, answering, and replying, the Commons think the best means to attain this End, and to maintain a good Correspondence between both Houses, which is so necessary at all times, but more especially in the present Conjuncture; this, my Lords, will bring Honour and Strength to the Foundation that shall be laid after all our late Convulsions, and discourage our Enemies from attempting to undermine it.

‘ It is true, my Lords, the present Difference between your Lordships and the Commons is only about a few Words; but the Commons think their Words so significant to the purpose for which they are used, and so proper to the Case unto which they are applied, that in so weighty a Matter as that now in Debate, they are by no means to be parted with.

‘ The Word *abdicated*, the Commons conceive, is of larger Signification than the Word your Lordships are pleased to use *desert*; but not too large to be applied to all the Recitals in the Beginning of the Commons Vote, to which they meant it should be applied. Nor ought it to be restrained to a voluntary express Resignation, only in Word or Writing, Overt-Acts there are that will be significant enough to amount to it.

‘ My Lords, that the Common Law of England is not acquainted with the Word, it is from the Modesty of our Law, that it is not willing to suppose there should be any unfortunate Occasion of making use of it: And we would have been willing, that we should never have had such an occasion as we have, to have recourse to it. Your Lordships next Amendment is, that your Lordships have left out the last Words in the Commons Vote, *And that the Throne is thereby vacant*.

‘ My Lords, the Commons conceive it is a true Proposition, and That the Throne is vacant; and they think, they make it appear that this is no new Phrase; neither is it a Phrase that perhaps some of the old Records may be Strangers to; or not well acquainted with: But they think it not chargeable with the Consequence that your Lordships have been pleased to draw from it, That it will make the Crown of England become elective. If the Throne had been full, we know your Lordships would have assigned that as a Reason of your Disagreement, by telling us who filled it; and it would be known by some public Royal Act, which might notify to the People in whom the Kingly Government resided; neither of which hath been done; and yet your Lordships will not allow the Throne to be vacant.

‘ My

‘ My Lords, I am unwilling to detain your Lordships longer, from what may be better said for your Lordships Satisfaction in these Matters, by those whose Province it is: I am to acquaint your Lordships, that the Commons do agree, it is an Affair of very great Importance. Here are other Gentlemen that are appointed to manage this Conference, and will give their Assistance to bring it, we hope, to a happy Conclusion, in the Agreement of both Houses, in this so very considerable a point.’

Anno 4 Jac. II.
1685-9.

‘ My Lords, what is appointed me to speak to, is your Lordships first Amendment, by which the Word *abdicated*; in the Commons Vote, is changed into the Word *deserted*; and I am to acquaint your Lordships what some of the grounds are that induced the Commons to insist upon the Word *abdicated*, and not to agree to your Lordships Amendment.’

Mr. Somers.

‘ 1st, The first Reason your Lordships are pleased to deliver, as for your changing the Word is, that the Word *abdicated* your Lordships do not find, is a Word known to the common Law of England; and therefore ought not to be used: And the next is, that the common Application of the Word amounts to a voluntary express Act of Renunciation, which (your Lordships say) is not in this case, nor what will follow from the Premises.

‘ My Lords, as to the first of these Reasons, if it be an Objection, that the Word *abdicated* hath not a known sense in the common Law of England, there is the same Objection against the Word *deserted*; for there can be no Authority, or Book of Law produced, wherein any determined Sense is given to the Word *deserted*: So that your Lordships first Reason hath the same force against your own Amendment, as it hath against the Term used by the Commons.

‘ The Words are both Latin Words, and used in the best Authors, and both of a known Signification; their Meaning is very well understood, tho’ it be true, their Meaning be not the same: The Word *abdicate* doth naturally and properly signify entirely to renounce, throw off, disown, relinquish any Thing or Person, so as to have no farther to do with it; and that whether it be done by express Words or in Writing, (which is the sense your Lordships put upon it, and which is properly called Resignation or Cession) or, by doing such Acts as are inconsistent with the holding or retaining of the thing; which the Commons take to be the present case, and therefore made choice of the Word *abdicate*, as that which they thought did, above all others, most properly express that Meaning: And in this latter sense it is taken by others, and that it is the true Significa-

tion of the Word, I shall shew your Lordships out of the best Authors.

The first I shall mention is Grotius, *de Jure Belli & Pacis*, L. 2. c. 4. §. 4. *Venit enim hoc non ex jure civili, sed ex jure naturali, quo quisque suum potest abdicare, & ex naturali presumptione qua voluisset, qui creditur, quod sufficienter significavit.* And then he goes on, *recusari hereditas non tantum verbis, sed etiam re potest, & quovis indicio voluntatis.*

Another Instance, which I shall mention, to shew that for the abdicating a thing, it is sufficient to do an Act which is inconsistent with the retaining it, tho' there be nothing of an expresse Renunciation, is out of Calvin's *Lexicon Juridicum*, where he says, *generum abdicat, qui sponsam repudiat*: He that divorceth his Wife, *abdicat* his Son-in-Law. Here is an Abdication without expresse Words; but is by doing such an Act as doth sufficiently signify his purpose.

The next Author, that I shall quote, is Brissenius *de verborum significatione*, who hath this Passage, *Homo liber qui seipsum vendit, abdicat se statu suo*; that is, He who sells himself, hath thereby done such an Act as cannot consist with his former Estate of Freedom: and is therefore properly said, *se abdicasse statu suo*.

Budæus in his Commentaries *ad legem secundam de origine juris*, expounds the Words in the same sense, *abdicare se magistratu, est idem quod. abire penitus magistratu*: He that goes out of his Office of Magistracy, let it be in what manner he will, has *abdicated* the Magistracy.

And Grotius in his Book *de jure belli & pacis*, L. 1. c. 4. §. 9. seems to expound the Word *abdicare*, by *manifeste habere pro derelicto*: that is, That he who hath *abdicated* any thing, hath so far relinquished it, that he hath no right of Return to it. And that is the Sense the Commons put upon the Word. It is an entire Alienation of the thing; and so stands in opposition to *dicare*: *Dicat qui proprium aliquod facit; abdicat qui alienat*, so says Pralejus in his *Lexicon Juris*. It is therefore insisted upon as the proper Word by the Commons.

But the Word *deserted* (which is the Word used in the Amendment made by your Lordships) hath not only a very doubtful Signification; but in the common Acceptance both of the civil and canon Law, doth signify only a bare withdrawing, a temporary quitting of a thing, and Neglect only, which leaveth the Party at liberty of returning to it again. *Desertum pro neglecto*, says Spigelius in his *Lexicon*; But the Difference between *deserere* and *derelinquere*, is expressly laid down by Bartolus, upon the 8th Law of the 38th Title of the 11th Book of the Code; and his Words are these, *nota diligenter, ex hac lege, quod aliud est agrum deserere, aliud*

aliquid derelinquere; qui enim derelinquer, ipsum ex penitentia non revocat: sed qui deseret, intra biennium potest. Anno 4 Jac. II. 1688-9.

Whereby it appears, my Lords, that that is called Desertion, which is temporary and relievable: That is called Dereliction, where there is no power or right to return.

So in the best Latin Authors, and in the civil Law, *Deserere exercitum* is used to signify Soldiers leaving their Colours; *Cod. Lib. 12. §. 1.*

And in the Canon Law to desert a Benefice, signifies no more than to be non-resident; so is Calvin's Lexicon, *Verb. Desert. secund. Canones.*

In both cases, the Party hath not only a right of returning, but is bound to return again: Which, my Lords, as the Commons do not take to be the present case, so they cannot think that your Lordships do: because it is expressly said, in one of your Reasons given in defence of the last Amendment, That your Lordships have been, and are willing to secure the Nation against the Return of King James; which your Lordships would not in Justice do, if you did look upon it to be no more than a negligent withdrawing, which leaveth a liberty to the Party to return.

For which Reasons, my Lords, the Commons cannot agree to the first Amendment, to insert the Word *deserted*, instead of *abdicated*; because it doth not, in any sort, come up to their sense of the thing: So, they do apprehend, if it doth not reach your Lordships Meaning, as it is expressed in your Reasons; whereas they look upon the Word *abdicated*, to express properly what is to be inferred, from that Part of the Vote to which your Lordships have agreed, That King James the second, by going about to subvert the Constitution, and by breaking the Original Contract between King and People, and by violating the fundamental Laws, and withdrawing himself out of the Kingdom, hath thereby renounced to be a King according to the Constitution, by avowing to govern by a despotic Power, unknown to the Constitution, and inconsistent with it; he hath renounced to be a King according to the Law, such a King as he swore to be at his Coronation, such a King to whom the Allegiance of an English Subject is due; and hath set up another kind of Dominion, which is to all intents an *Abdication*, or abandoning of his legal Title, as fully as if it had been done by express Words.

And, my Lords, for these Reasons the Commons do insist upon the Word *abdicated*, and cannot agree to the Word *deserted*.

My Lords, I am commanded by the Commons to assist Mr. Serj. Holt in the Management of this Conference, and am to speak to

Ann. 4. Jac. II. the same point that the Gentleman did, who spoke last to your Lordships first Amendment.

‘ As to the first of your Lordships Reasons, for that Amendment, (with Submission to your Lordships) I do conceive it not sufficient to alter the Minds of the Commons; or to induce them to change the Word *abdicated*, for your Lordships Word *deserted*.

‘ Your Lordships Reason is, That it is not a Word that is known to the Common Law of England. But, my Lords, the Question is not so much, whether it be a Word as ancient as the common Law, (though it may be too) for that will be no Objection against the using it, if it be a Word of a known and certain Signification; because that, we think, will justify the Commons making use of it, according to your Lordships own Expression.

‘ That it is an ancient Word, appears by the Authors that have been quoted, and it’s frequently met with in the best of Roman Writers, as Cicero, &c. and by the Derivation from *dico*, an ancient Latin Word.

‘ That now it is a known English Word, and of a known and certain Signification with us, I will quote to your Lordships an English Authority, and that is the Dictionary set forth by our Countryman Minshew, who hath the Word *abdicate* as an English Word, and says that it signifies to renounce, which is the Signification the Commons would have of it: So that I hope your Lordships will not find fault with their using a Word that is so ancient in itself, and that hath such certain Signification in our own Language.

‘ Then, my Lords, for that Part of your Lordships Objection, That it is not a Word known to the common Law of England, that cannot prevail; for your Lordships very well know, we have very few Words in our Tongue that are of equal Antiquity with the common Law; your Lordships know the Language of England is altered greatly in the several Successions of Time, and the Intermixture of other Nations; and if we should be obliged to make use only of Words then known and in use, what we should deliver in such a Dialect would be very difficult to be understood.

‘ Your Lordships second Reason, for your first Amendment in changing the Word *abdicated* for the Word *deserted*, is, Because in the most common Acceptation of the civil Law, *Abdication* is a voluntary express Act of *Renunciation*. That is the general Acceptation of the Word, and, I think, the Commons do so use the Word in this case, because it hath that Signification: But I do not know, whether your Lordships mean a voluntary express Act or formal Deed of Renunciation: If you do so, I confess I know of none in this case. But, my Lords, both in the common Law of England, and

and the civil Law, and in common Understanding, there are express Acts of Renunciation that are not by Deed; for if your Lordships please to observe, the Government and Magistracy is under a Trust, and any acting contrary to that Trust is a renouncing of the Trust, though it be not a renouncing by formal Deed: For it is a plain Declaration, by Act and Deed, though not in Writing, that he who hath the Trust, acting contrary, is a Disclaimer of the Trust; especially, my Lords, if the actings be such as are inconsistent with, and subversive of this Trust: For how can a Man, in Reason or Sense, express a greater Renunciation of a Trust, than by the constant Declarations of his Actions to be quite contrary to that Trust?

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1688-9.

' This, my Lords, is so plain, both in Understanding and Practice, that I need do no more but repeat it again, and leave it with your Lordships, That the doing an Act inconsistent with the Being and End of a thing, or that shall not answer the End of that thing, but quite the contrary, that shall be construed an Abdication and formal Renunciation of that thing.'

' Gentlemen, you of the Committee of the Commons, we differ from you indeed about the words abdicated and deserted; but the main Reason of the change of the word and difference, is upon the account of the Consequence drawn in the conclusion of your Vote, that the Throne is thereby vacant; that is, what the Commons mean by that Expression? Whether you mean, it is so vacant as to null the Succession in the Hereditary Line, and so all the Heirs to be cut off? which we say will make the Crown elective. And it may be fit for us to settle that Matter first; and when we know what the Consequence of the Throne being vacant means in the Vote, as you understand it, I believe we shall much better be able to settle the difference about the two Words.'

Earl of Nottingham.

' My Lords, when there is a present Defect of one to exercise the Administration of the Government, I conceive, the declaring a Vacancy, and provision of a supply for it, can never make the Crown elective.

Mr. Sergeant Maynard.

' The Commons apprehend there is such a Defect now; and, by consequence, a present Necessity for the supply of the Government; and that will be next for your Lordships Consideration, and theirs afterwards.

' If the attempting the utter Destruction of the Subject, and Subversion of the Constitution, be not as much an Abdication, as the attempting of a Father to cut his Son's Throat, I know not what is.

' My Lords, the Constitution, notwithstanding the Vacancy, is the same; the Laws that are the Foundations and Rules

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[Decorative flourish]

Rules of that Constitution are the same: But if there be, in any particular instance, a breach of that Constitution, that will be an Abdication, and that Abdication will infer a Vacancy.

‘ It is not that, the Commons do say, the Crown of England is always and perpetually elective; but it is more necessary that there be a Supply where there is a Defect, and the doing of that will be no alteration of the Monarchy, from a successive one to an elective.’

Lord Bishop of
Ely.

‘ Gentlemen, the two Amendments made by the Lords to the Vote of the Commons, are as to the word Abdicated, and as to the Vacancy of the Throne: That abdicated may be tacitly by some Overt-Acts; that Gentleman, (I think I may name him without Offence) Mr. Somers, very truly did alledge out of Grotius: But, I desire to know, whether Grotius, that great Author, in treating on this Subject, doth not interpose this Caution, If there be a yielding to the Times: If there be a going away, with a purpose of seeking to recover what is, for the present, left or forsaken: In plain English, if there were any thing of force or just fear in the Case, that doth void the notion of Abdication: I speak not of Male-Administration now, of that hereafter.’

Mr. Serjeant
Maynard.

‘ But, my Lords, that is not any part of the Case declared by the Commons in this Vote, when the whole Kingdom, and the Protestant Religion, our Laws and Liberties, have been in danger of being subverted, an Enquiry must be made into the Authors and Instruments of this Attempt; and if he, who had the Administration intrusted to him, be found the Author and Actor in it, what can that be, but a Renunciation of his Trust, and consequently his Place thereby vacant?’

‘ My Lords, Abdication (under favour) is an English word; and, your Lordships have told us, the true Signification of it is a Renunciation. We have indeed, for your Lordships Satisfaction, shewn its meaning in foreign Authors; it is more than a deserting the Government, or leaving it with a purpose of returning. But we are not, I hope, to go to learn English from foreign Authors; we can, without their Aid, tell the meaning of our own Tongue.

‘ If two of us make a mutual Agreement to help and defend each other from any one that should assault us in a Journey, and he that is with me turns upon me and breaks my Head, he hath, undoubtedly, abdicated my Assistance and revoked the said Agreement.

Lord Bishop of
Ely.

‘ The Objection of the Lords against the Word abdicated is, That it is of too large a signification for the Case in hand. It seems to be acknowledged, that it reacheth a great way; and therefore the Lords would have a Word made use of, which (by the acknowledgment of that learned

ed Gentleman) signifieth only, The ceasure of the Exercise of a Right. Anno 4. Jac. II.
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‘ If there be such a Defect as hath been spoken of, it must be supplied; there is no question of that.

‘ And I think we have, by another Vote, declared, That it is inconsistent with our Laws, Liberties, and Religion, to have a Papist to rule over this Kingdom. Which I take to be only as to the actual Exercise and Administration of the Government.

‘ It is Grotius’s Distinction between a Right, and the Exercise of that Right; and, as there is a natural Incapacity for the Exercise, as Sickness, Lunacy, Infancy, doating old Age, or an incurable Disease, rendering the Party unfit for human Society, as Leprosy, or the like; so I take it, there is a moral Incapacity: and that I conceive to be a full irremovable persuasion in a false Religion, contrary to the Doctrine of Christianity.

‘ Then there must be a provision, undoubtedly, made for supplying this defect in the Exercise, and an intermediate Government taken care for; because become necessary for the Support of the Government, if he to whom the Right of Succession doth belong makes the exercise of his Government impracticable, and our Obedience to him, consistently with the Constitution of our Religion, impossible: but that, I take it, doth not alter that Right, nor is an Abdication of the Right.

‘ Abdication, no doubt, is by adoption an English Word; and well known to English Men conversant in Books: Nor is it objected, that it is not a Word as ancient, and it may be more ancient than the common Law of England; we find it in Cicero, and other old Roman Writers.

‘ But as to Cicero, I would observe that there is a double use of the word, sometimes it is mentioned with a Preposition, and then it signifies the renouncing an actual Exercise of Right, as *abdicare a Triumpho*: And sometimes it hath the Accusative Case following it, and then it signifies the renouncing of the very Right, as that which was mentioned, *abdicare Magistratum*; so that the signification (as the Lords say in their Reason) is doubtful: And such words, we hope, the Commons will not think fit to use in a Case of this Nature and Consequence, as ours now in Debate.

‘ And besides the Lords apprehend, that great Inconveniences will follow upon the use of this word, if it mean a renouncing absolutely of the Right.

‘ It seems the Commons do not draw the word abdicated from his withdrawing himself out of the Kingdom; for then deserted would (no doubt) have answered. That Abdication is the same whether a Man go out of the Kingdom
or

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or stay in it; for it is not to be esteemed according to the Place, but the Power.

' If a Man stays in the Kingdom, this is *abdicate* with a Preposition, to abdicate the Exercise of the Government, but not the Right of governing, according to the Constitution; and to such an Abdication (if it be so declared) my Lords, I believe, may soon agree.

' Then, Gentlemen, there is another distinction in those Authors that write concerning this Point, which are chiefly the Civilians; there may be an Abdication that may forfeit the Power of a King only; and there may be one that may forfeit both that and the Crown too. It is a distinction indeed in other words; but to the same sense: I will tell you presently why I use it.

' Those Abdications that are of Power only, are Incapacities; whether those I call natural and involuntary, as defects of Sense, Age, or Body, or the like; or moral and voluntary, as Contrariety in Religion; an instance whereof there was lately in Portugal, which was a forfeiture only of the Power, and not of the Name and Honour of a King; for though the Administration was put into the younger Brother's Hand, the Patents and other public Instruments ran in the elder Brother's Name.

' This is, without all doubt, naturally an Abdication in the full extent of the Word; nor do I here (as I said) consider, whether that the King be gone out of the Kingdom, or stay in it; but only, whether he be fit for the Administration, which must be provided for, be he here, or gone away.

' But the highest instance of an Abdication is, when a Prince is not only unable to execute his Power, but acts quite contrary to it; which will not be answered by so bare a word as endeavour.

' I take these to be all the distinctions of Abdications.

' Now if this last instance of an Abdication of both Power and Right, take place in a successive Monarchy, the Consequence will be, that there is a forfeiture of the whole Right; and then that Hereditary Succession is cut off; which I believe is not intended by the Commons: There is indeed one Instance of the use of such an Abdication in Monarchy, and that is, that of Poland; and such an Abdication there makes the Throne vacant, and those with, and in whom the Power is invested of making Laws, (to wit the Senate) appoint one to fill it: But that, and whatever other Instances of the like kind, these may be all of elective Kingdoms; for though some of them are, or may be in Kingdoms now hereditary, yet they were, in these times, elective, and since altered into hereditary Successions.

' But

But here is one thing that is mentioned in this Vote, Anno 4 Jac. II. 1688-9. which I would have well considered, for the preservation of the Succession, and that is the Original Compact: We must think sure that meant of the Compact, that was made at the first time, when the Government was first instituted, and the Conditions that each part of the Government should observe on their part; of which this was the most fundamental, That King, Lords, and Commons, in Parliament assembled, should have the Power of making new Laws, and altering of old ones. And that being one Law which settles the Succession, it is as much a part of the Original Compact as any: Then if such a Case happens, as an *Abdication* in a successive Kingdom, without doubt, the Compact being made to the King, his Heirs, and Successors, the Disposition of the Crown cannot fall to us, till all the Heirs do abdicate too. There are indeed many Examples, and too many Interruptions in the lineal Succession of the Crown of England: I think, I can instance in seven since the Conquest, wherein the right Heir hath been put by: But that doth not follow, that every Breach of the first Original Contract, gives us Power to dispose of the lineal Succession; especially, I think, since the Statutes of Queen Elizabeth, and King James the first, that have established the Oath of Allegiance to the King, his Heirs, and Successors, the Law is stronger against such a Disposition: I grant that from King William the first, to King Henry the VIIIth, there have been seven Interruptions of the legal Line of Hereditary Succession; but, I say, those Statutes are made since that Time, and the making of new Laws being as much a part of the Original Compact, as the observing old ones, or any thing else, we are obliged to pursue those Laws, till altered by the Legislative Power, which singly, or jointly, without the royal Assent, I suppose, we do not pretend to; and these Laws being made since the last Interruption, we are not to go by any Precedent that was made before the making those Laws.

So that all that I conceive ought to be meant by our Vote, is but a setting aside the Person that broke the Contract: And, in a successive Kingdom, an *Abdication* can only be a Forfeiture, as to the Person himself.

I hope, and am persuaded, that both Lords and Commons do agree in this, Not to break the Line of Succession, so as to make the Crown elective. And if that be declared, that this *Abdication* of King James the second reacheth no farther than himself, and that it is to continue in the right Line of Succession, that, I hope, will make all of one Mind in this important Affair.

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Earl of Clarendon.

‘ As I remember, Mr. Somers, who spoke to the Signification of the Word *abdicated*, did quote Grotius, Calvin’s Lexicon, and other civil Lawyers, where the express Words make it to be a voluntary Act, and so are all the Instances that ever I read or heard of, that is, there either was some formal Deed of Renunciation, or Resignation; or some voluntary Act done of the Party’s own; and such whereby they have shewn they did divest themselves of the Royalties.

‘ I think truly, Gentlemen, it is very apparent that the King, in this Case, hath done nothing of this Nature: It is indeed said by that learned and ingenious Gentleman Mr. Somers, that it may arise from the Facts, that in the Vote it has been declared he hath done it, by breaking the fundamental Laws, and the Original Contract; and endeavouring to subvert the Constitution of the Kingdom. I will not discourse the Particulars that have been alledged to make out this Charge; but I may say this much in general, that this breaking the Original Contract is a Language that hath not been long used in this Place; nor known in any of our Law-Books, or public Records: It is sprung up, but as taken from some late Authors, and those none of the best received; and the very Phrase might bear a great Debate, if that were now to be spoken to. Mr. Somers did likewise speak something to the particular Case, and the Grounds of the Vote; he said, the King is bounded by Law, and bound to perform the Laws made, and to be made. That is not denied; I would take notice, that his Obligation thereunto doth not proceed from his Coronation-Oath; for our Law saith, He is as much King before he is crowned, as he is afterwards: And there is a natural Allegiance due to him from the Subjects immediately upon the Descent of the Crown upon him. And though it is a very requisite Ceremony, to put him under a farther Obligation by the Conscience of his Oath; yet I think it will not, nor can be denied but that, as King, he was bound to observe the Laws before; and no body will make that Oath to be the Original Contract, as I suppose.

‘ But, my Lords and Gentlemen, if you do admit that it was never intended by the House of Commons, to relate any farther than to this King himself, I believe my own Opinion would concur to secure us against his return to govern us: But then, why is there such a Contention about a Word? Doth all this imply more than Desertion?

‘ But it is said, that *Abdication* doth imply a perfect Renunciation, which I cannot see how it is in this Case, so as to leave us at liberty to supply as we please, and break the Line of Succession.

‘ Mr

Mr. Serjeant Maynard says, that it is not indeed to make the Government perpetually elective. I would know what he means by perpetually: Our breaking through the Line now, by a Choice out of the lineal Courſe, is an Alteration and a Precedent: And why may not others take the ſame Liberty we do? And will not that make it perpetually elective?

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‘ But truly, I think, no Act of ours can alter the lineal Succeſſion; for, by all the Laws we have now in being, our Government appears to be Hereditary in a right Line of Deſcent: And upon any Deſcent, when any one ceaſeth to be King, Allegiance is by Law due to his legal Heir, as Succeſſor, as well before Coronation as after.

‘ I was in great hopes that you would have offered ſomething in answer to one of my Lord’s Reasons, againſt that part of the Vote which declares *the Throne to be vacant*;

‘ That no Act of the King’s alone can bar or deſtroy the Right of his Heir to the Crown, which is Hereditary, and not elective.’ And then, if this matter goes no farther than King James the Second in his own Perſon, how comes the Vacancy and the Supply to be devolved upon the People? For if he only be ſet aſide, then it is apparent, whither the Crown is to go, to the Perſon that hath the next Right of Succeſſion; and conſequently there is no Vacancy.

‘ Gentlemen, I would not protract Time, which is now ſo neceſſary to be huſbanded; nor perplex Debates about any affair like that which now lies before us: It is not a queſtion barely about Words, but Things, which we are now diſputing.

Earl of Netting-
ham.

‘ The Word abdicated, it is agreed by Mr. Somers, is a Word of Art; and he hath told us what its ſignification is, from thoſe that are ſkilled in the art to which it belongs: He doth acknowledge that it is no Law-word among Engliſh Lawyers; nor known to the common Law: But then, he ſaith, neither is the Word, uſed by the Lords, deſerted.

‘ I agree to him, that neither the one nor the other are Words uſed in our Law; but the Inference I would draw thence is this, that we have no Words applicable to this Caſe; becauſe we never before had ſuch a Caſe; and we muſt not draw Inferences of Law in ſuch a Caſe, that are not deducible from Rules well known in our Laws.

I will not diſpute what the Senſe of the Word Abdication is in the civil Law; but that it is a civil-Law Word is agreed to by me; and if it be, for that Reason I am againſt uſing of it; becauſe I am ſo much in love with our own Laws, that I would uſe no Words in a Caſe that ſo much concerns our legal Conſtitution, but what are fetched from thence.

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‘ I hope I shall never see our old Laws altered; or if they be, God forbid we should be the voluntary Agents in such an alteration.

‘ But then we are told the Word deserted doth not reach our Case; because the signification of the Word is but a temporary leaving or forsaking of his Power, which he may reassume; nay, which in some Cases there is a duty upon him to return unto. If that were all, Mr. Somers hath given himself an Answer to that Objection, out of what he alledges of the Lords Reasons, who have declared, that they are willing to secure the Nation against the return of King James into this Kingdom; and will therefore concur with the Commons in any Act, that shall be thought necessary to prevent such his return: So that it should seem we were agreed in that Matter; and if that were the Point, we should find Words proper soon enough to express our meaning by. But I find neither of these Words will, on the one side or on the other, be allowed to signify the Meaning; therefore we should (as I take it) come presently to think of some other that would. But the Reason why my Lords did chiefly insist upon the alteration of the Word abdicated, was, Because they did apprehend, that it being a Word not known to our Laws, there might be other inferences drawn from it, than they do apprehend our Laws will warrant, from the Case, as it is stated in the fact of this Vote; and, as they conceive, is done in the concluding of the Throne’s being vacant.

‘ Therefore, I think, it would shorten the present Debate, if we did settle that point first; and as we frequently, in parliamentary Proceedings, postpone this and that Paragraph in a Bill, till some others that may be thought fit to be determined first be agreed to; so we should postpone the Debate about the Word abdicate, till the Vacancy of the Throne be settled: for if we were sure that the Throne were, or were not vacant, we should easily light upon what Word were proper to be used in this Case.

‘ I should therefore propose that we might debate that first; because if there be an English Word of known signification in our Law, which should signify no more than renouncing for a Man’s self; and which would not amount to so much as setting aside the Right of others, that Word may be used; and if no other, the Word renouncing itself may be taken, which would be best agreed to.

‘ Acting against a Man’s Trust (says Mr. Serjeant Holt) is a renunciation of that Trust. I agree it is a Violation of his Trust to act contrary to it; and he is accountable for that Violation, to answer what the Trust suffers out of his own Estate: But I deny it to be presently a renunciation of the Trust, and that such a one is no longer a Trustee.

‘ I beg his pardon if I differ from him in Opinion, whom Anno 4 Jacth II. I acknowledge to have much more Learning in his Profession, than I can pretend unto: But if the Law be, as he says, in a private Case, then I must beg leave to forbear giving my Opinion, in a Case of this public Nature that is now before us, till I know what such a Trust is, and what the Law says in such a Case. 1688-9.

‘ If indeed you do pretend that *the Throne is vacant*, and both Houses agree to that Conclusion, I think it will be no matter what Word is used about it: But if we do not agree to that Conclusion, I think it will be afterwards easy to shew which is the fittest Word to be stood upon; or to agree upon some other.

‘ I pray therefore (to shorten the Debate) that you Gentlemen would speak to this Point first; and when that is resolved, I hope we shall easily come to an Agreement about the other.

‘ I think, my Lords, that we may not consent to begin at the End, and first to enquire of the Conclusion, before the Premises are settled: For the *Vacancy of the Throne* follows, as an Inference drawn from the Acts of the King, which are expressed most fully by the Word *Abdication*; and to enquire what the Consequence is, when the Fact is doubtful, from which the Consequence is to ensue, is beginning at the wrong End; till we state the Fact, we can assign no Consequence at all to it: Therefore, my Lords, I think the present Debate is to begin, where the Difference between the two Houses doth begin, and that is at the Word *abdicated*; and when that is over, we shall regularly come to the other Point in difference. Sir George Treby.

‘ We are gone too far, when we offer to enquire into the Original Contract, Whether any such thing is known or understood in our Law or Constitution? Or, Whether it be new Language amongst us? And I offer this to your Lordships Consideration for two Reasons.

‘ First, It is a Phrase and Thing used by the learned Mr. Hooker, in his Book of *Ecclesiastical Polity*, whom I mention as a valuable Authority, being one of the best Men, the best Churchman, and the most learned of our Nation in his Time, and his Works are very worthily recommended by the Testimony of King Charles the First; he alloweth, That Government did originally begin by Compact and Agreements.

‘ But I have yet a greater Authority than this to influence this matter, and that is your Lordships own, who have agreed to all the Vote but this Word, *abdicated*, and the *Vacancy of the Throne*. And therefore so much is enough to be said to that: And to go back to debate what is not in Difference,

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Difference, is to confound ourselves, instead of endeavouring to compose Differences.

And truly, my Lords, by what is now proposed, I think, we are desired to go as much too far forwards, when the *Vacancy of the Throne* is proposed to be the Question to be first disputed before the *Abdication*, from which it is inferred.

But sure I am, it is very much beyond what the Vote before us doth lead us unto, to talk of the Right of those in the Succession: For that goes farther than the very last Part of the Vote; and it is still to lead us yet farther, to say any thing about making the Crown elective: For, I hope, when we come to answer your Lordships Reasons, we shall easily make it out, that it is not in this Case; neither was there any Occasion given by this Vote to infer any such Thing: We shall therefore keep to the Points as they are, both in Order of Place in the Vote, and of Reason in the Thing; and, as we have done hitherto, speak to the Words *abdicated* and *deserted*, the Words to be disputed about in the first place. Another Lord did give one Reason against the using the Word *abdicated*, Because it is a Word belongs to the Civil Law; and said, He would by no means exchange our own English Common Law for that. I entirely concur with that noble Lord in that Point; but he did agree to us also, That there is no such Word in our Common Law as *deserted*; that is, which should signify, by the Stamp the Law puts upon it, any Sense applicable to the Matter in hand.

Then if we must not use our Word, because unknown to our Common Law; neither must we use your Lordships for the same Reason, and so shall be at an entire Loss what Word to use; and so, indeed, they may well come to consider the Conclusion first, who leave us at Uncertainties on what Terms we are to discourse: and there cannot be a greater Confusion in any Debate, than to state a Conclusion without the Premises; which we must do, if we cannot agree how to word the Fact we infer from.

My Lords, I shall not much differ from what in general has been said concerning the Sense of the Word *abdicated*; for it seems to be agreed on all Hands that it is a *Renunciation*: Neither will I contend for an *involuntary Abdication*; because I think it means a *voluntary Act*: But truly what your Lordships mean, in your Reason against it, by the Word *express*, I cannot so well understand.

That a King may *renounce* his Kingship, I think, may be made out both in Law and Fact, as well as any other *Renunciation*; and that, as far as I can discern by your Lordships Reasons, and this day's Debate hitherto, is not intended

intended to be denied by any. Indeed, some of my Lords have told us, That there 'tis meant of the Exercise of a Right which may be renounced, without Renouncing that Right. Whether that be a true Distinction or no, is not very material; but if it be, that the very Kingship itself (as including a Right to govern) may be *renounced*, and hath been, it will be no Difficulty to make out, by Instances in all Countries, not only where the Crown is, or was, elective, but also where it was hereditary and successive.

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‘ If a King will *resign* or *renounce*, he may do so, as particularly Charles the Fifth.

‘ That was an expresse solemn *Renunciation*.

Earl of Pembroke.

‘ My Lords, the particular Manner of doing it, is (I take it) not Matter in Debate just now before us, till it be settled whether a King can *abdicate* at all, or *renounce* his Kingship at all; this then being granted, That a King may renounce, may resign, may part with his Office, as well as the Exercise of it, then the question indeed is, Whether this King hath done so or no?

Sir George Treby.

‘ That he may do it, I take it for granted, it being an Act of the Will: Then let us now enquire into the Facts, as set out in the Vote, whether this Will of his be manifest. For that you have heard it may be discovered several Ways; the Discovery may be by Writing; it may be by Words, it may be by Facts: Grotius himself, and all the Authors that treat of this Matter, and the Nature of it, do agree, That if there be any Word, or Action, that doth sufficiently manifest the Intention of the Mind and Will, to part with his Office, that will amount to an *Abdication*, or *Renouncing*.

‘ Now, my Lords, I beg leave to put this Case, That had King James the II^d, come here into the Assembly of the Lords and Commons, and expressed himself in Writing, or Words, to this purpose; I was born an Heir to the Crown of England, which is a Government limited by Laws made in full Parliament, by King, Nobles, and Commonalty; and, upon the Death of my last Predecessor, I am in possession of the Throne; and, now I find, I cannot make Laws without the Consent of the Lords and Representatives of the Commons in Parliament; I cannot suspend Laws that have been so made, without the Consent of my People: this indeed is the Title of Kingship I hold by Original Contract, and the fundamental Constitutions of the Government, and my Succession to, and Possession of the Crown, on these Terms, is part of that Contract. This Part of the Contract I am weary of, I do renounce it, I will not be obliged to observe it; nay, I am under an invincible Obligation not to comply with it; I will not execute the Laws that have been made; nor suffer others to be made, as my People shall

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shall desire, for their Security in Religion, Liberty, and Property, which are the two main Parts of the Kingly Office in this Nation. I say, suppose he had so express'd himself, doubtless this had been a plain Renouncing of that legal, regular Title which came to him by Descent: If then he by particular Acts, such as are enumerated in the Vore, has declared as much, or more than these Words can amount to, then he thereby declared his Will to renounce the Government: He hath, by these Acts mentioned, manifestly declared, that he will not govern according to the Laws made; nay, he cannot so do; for he is under a strict Obligation, (yea the strictest) and superior to that of the Original Compact between King and People, to act contrary to the Laws, or to suspend them.

By the Law, he is to administer Justice, and to execute his Office according to the Tenour of those Laws; and the Coronation-Oath obligeth him likewise to consent to such Laws as the People shall chuse: But, on the contrary, by that unfortunate Persuasion (in point of Religion) that he hath embraced, he is obliged to suspend the Laws that defend the Establish'd Religion, and to treat it, as it has been (as we well know) called, as the *Northern Heresy*; and, under pain of Damnation, to extirpate it: And, in order to it, did sap and repeal all the legal Fences of it, without Consent of Parliament. What the Endeavours and Practices of that kind have been in the last Reign, I suppose, we are not now to be told of, or instructed in: and if (as is very plain) this doth amount to a manifest Declaration of his Will, no longer to retain the Exercise of his Kingly Office, thus limited; thus restrained, then in common Sense, as well as legal Acceptation, he has sufficiently declared his Renouncing of the very Office. As for his Departure out of the Kingdom, 'tis not material, whether it was voluntary or involuntary; but it is sufficient, that his acting declares, *quo animo*, he went away; he no longer could pursue what he designed; and the contrary of which he was so strongly obliged unto by the Duty of his Office and Relation, and the Obligation of the Original Contract, as likewise his own Coronation-Oath; and then he desires no longer to be here.

So that taking both these Things together, that he will not; nay, he cannot (as thus persuaded in point of Religion) govern according to Law; and thereupon hath withdrawn himself out of the Kingdom: It is a manifest Declaration of his express renouncing and parting with his Kingly Office. And therefore I cannot depart from insisting upon this Word *abdicated*, which doth so well correspond to the Fact of the Case, and so well express the true Meaning of the

the Commons in their Vote: Nor can we consent to the postponing this Point, till the other, about *the Vacancy of the Throne*, be determined; for this is the very Foundation upon which we are to proceed, for establishing the Superstructure of the other Conclusion.

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‘ This learned Gentleman that spoke last, says, it is necessary to prefer the Premises before the Conclusion, as being the Foundation to the Superstructure. Truly, I apprehend, that this Word *abdicated* was Part of the Conclusion, and not of the Premises; the Vote runs thus, ‘ That by breaking the Original Contract, having endeavoured to subvert the Constitution of the Kingdom, and having withdrawn himself out of the Kingdom, he has abdicated the Government, and the Throne is thereby vacant.’

Earl of Nottingham.

‘ I take it to be (as I say) Part of the Conclusion, the other Part being joined by a Copulative; therefore that which is but the other Part of the Conclusion, is not to be inferred from the other Part of the Premises. But take it to be (as you say,) ‘ That the Vacancy of the Throne is another distinct Conclusion from all that preceded, as the Premises, and therefore it is to be considered last.’ I would then beg the Favour of you, Gentlemen of the House of Commons, to answer me one Question about this Point of *Abdication*: Whether you mean by *Abdication*, a Renouncing for himself, or for himself and his Heirs?

‘ If you mean only *Abdication* for himself, it will have a different Influence upon the Debate and Resolution of the Case, as to the Meaning of that you call the Conclusion; for then, *How can the Throne be vacant?*

‘ But if it be meant for himself and his Heirs, then I apprehend it is no more than what you say at the End, *That the Throne is indeed vacant*; and then this *Abdication* cannot be Part of the Premises, but must be the same thing with, or Part of the Conclusion. I will not undertake to dispute, Whether a King of England may, or may not renounce his Kingdom. For my own Part, I think he can, and I may go so far in Agreement with those that have spoken to this Point, to yield that he may do it by implicit Acts, contrary to the Kingly Office.

‘ For a King to say, he will not govern according to Law; and for a King to act wholly contrary to Law; and do that which would subvert the Constitution, is (I think) the same Thing.

‘ But then I must say also, That I think there is a Difference between saying so, and doing something inconsistent with what the Laws require; for every Deviation from the Law is a kind of Breach of the fundamental Laws: for I know no Law, as Laws, but what are fundamental Constitu-

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tions; as the Laws are necessary, so far as to support the Foundation.

‘ But if every Transgression, or Violation, of the Law, by the Prince’s Connivance or Command, were such a Breach of the fundamental Laws, as would infer an *Abdication*, then were it in vain to call any of his Ministers or Officers to account for any such Action.

‘ Then the Action is the King’s, and not theirs; and then adieu to the Maxim of a King’s not doing wrong: And we may have recourse to that other Respondent Superior, as more effectual Satisfaction.

‘ I take this Matter to be so plain, as to the distinction that I have mentioned, that nothing can be more: and’t has been thought so essentially necessary to have it clear and manifest, that those two great Instances of Edward the Second, and Richard the Second, were express solemn Renunciations, and those confirmed in Parliament by the Lords and Commons, by the Act of deposing them.

‘ Therefore I cannot infer from the Facts enumerated in the Vote, That this should be an Abdication for himself and his Heirs.

‘ But therefore, because in this first point it is disputable what is meant by a Word not of known signification in the Law, it might, I think, do well to consider, what is to be inferred from it: And therefore all I have now said is only to this purpose, that either both make one Conclusion, or else the latter cannot be inferred from the former.’

Sir George
Tieby.

‘ I beg leave to say something to what this noble Lord has last spoke unto: When I call’d this point of the Vacancy of the Throne a Conclusion, I did not mean altogether to exclude Abdication from being a Conclusion from the Particulars enumerated before; for, indeed it is in the nature of a double Conclusion: One, from the particular Facts mentioned, that thereby King James has abdicated the Government.

‘ The other, from the Abdication, that thereby the *Throne is vacant*: By the instanced Acts, he hath abdicated the Government; and by his abdicating the Government, *the Throne is vacant*. As to the rest of that which his Lordship is pleased to say, I perceive he does (as he must) agree with me, that a King may renounce by Acts, as well as Words, or Writings.

‘ But then I would add, and agree with his Lordship also, That God forbid, every Violation of the Law, or deviation from it, should be reckon’d an Abdication of the Government. I desire to deliver myself from the imputation of any such absurd Conceit.

‘ When

' When a King breaks the Law in some few particular Instances, it may be sufficient to take an Account of it from those evil Ministers that were instrumental in it, why such a thing was done, which was against the Laws? Why such a Law was not executed by them, whose duty it was to see it put in execution? You may, in ordinary Cases of breaking the Law, have remedy in the ordinary Courts and Course of Justice.

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' But sure! he does not take this to be such a Case, or these to be ordinary Violations of the Law: and therefore in extraordinary Cases, the extraordinary Remedy is to be recurred unto; for the King having a limited Authority, by which he was obliged to keep the Laws made, as to the executive part of the Government, and to observe the Constitution for making such new Laws as the People should find necessary, and present him for his consent; when he doth violate, not a particular Law, but all the Fundamentals; not injure a particular Person in Religion, Liberty or Property, but falls upon the whole Constitution itself, what doth all this speak?

' He therein saith, I will no more keep within my limited Authority, nor hold my Kingly Office upon such terms.

' This Title I had by the Original Contract between King and People; I renounce that, and will assume another Title to myself; that is, such a Title, as by which I may act as if there were no such Law to circumscribe my Authority.

' Where shall any Man come to have Redress in such a Case as this, when the Malefactor comes to be party, unto whom all applications for Relief and Redress from injuries should be made, and so he himself shall be a judge of his own breaches of Law? This most apparently was the Case as to the *Quo Warranto's*, which was a plain Design to subvert the Constitution in the very Foundation of the Legislature.

' It is because the King hath thus violated the Constitution, by which the Law stands, as the Rule both of the King's Government, and the People's Obedience, that we say, he hath abdicated and renounced the Government; for all other particular Breaches of the Law, the Subject may have Remedy in the ordinary Courts of Justice, or the extraordinary Court of Parliamentary Proceedings: But where such an Attempt as this is made on the Essence of the Constitution, it is not we that have brought ourselves into this State of Nature, but those who have reduced our legal well-establish'd Frame of Government into such a State of Confusion, as we are now seeking a Redress unto.'

' The Lords have given their Reasons why they altered the Word abdicated; because it is a Word not known to the common Law, and of doubtful signification: Therefore it would be well if the Commons would please to express

Earl of Rochester.

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their own Meaning, by it. I believe my Lords would be induced to agree, that the King hath abdicated, that is, renounced the Government for himself, if you mean no farther than that; and if you do so, why should you not be pleased to explain yourselves, that every one may know how the Matter stands, and to preserve a good Correspondence between both Houses, in such a Juncture and Conjunction as this?

‘ But if you do mean any thing more by it than Abdication for himself only, tho’ their Lordships should agree to the using of the Word *abdicated*; yet this would prove a greater Argument against their agreeing in the other point, about the Vacancy of the Throne: Therefore we would be glad to have you explain yourselves what you mean by it.’

Then there was a little pause.

Mr. Hampden.

‘ If the Lords have nothing further to offer upon this point, it will be fit for us to go on to the other Amendment made by the Lords to our Vote.’

No Lord offering to speak, the Commons proceeded to the second Amendment.

Mr. Sachevel.
gel.

‘ My Lords, your Lordships second Amendment to the Commons Vote, (to wit, to leave out the Words, *and that the Throne is thereby vacant*) the House of Commons cannot agree with your Lordships to that Amendment; and they do conceive they have many and great Reasons why they should not do it.

‘ But, my Lords, they very much wonder how it comes here to be laid upon them (as it seems to be, by one of your Lordships Reasons) that they, by using those Words of Abdication and Vacancy, signify an Intention of making an Alteration of the Constitution of the Government.

‘ I would not misrepresent your Lordships Words, or misrepresent your Meaning: But you are pleased to say, that you cannot agree to such an Abdication or Vacancy, as that the Crown should thereby become elective: As if the Commons had thoughts of making the Kingdom elective, when no such thing was either meant by them, or can be deducted from their Words.

‘ But, my Lords, one Reason why they differ from you is, they think (upon the Nature of your Proceedings) they are in the right, to insist upon their Vote, as they sent it up to your Lordships: And they conceive, as to all the Reasons your Lordships have been pleased to give them for your Alterations, not one of them hath so much Argument in them, as they might well expect.

‘ The Commons Reason for their disagreeing to this Amendment was, because they conceive (that, as they may well infer) from so much of their own Vote, as your Lordships have agreed unto, That King James the second hath
abdicated

abdicated the Government; and that the Throne is thereby vacant: So if they should admit your Lordships Amendments, that he hath only deserted the Government, yet, even thence would follow, *It's vacant as to King James the second*: Deserting the Government being, in true Construction, deserting the Throne.

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Now, to this they do desire, that your Lordships will consider and see, whether you give any Answer to this Reason, or rather, whether you do not leave the Matter still in the dark; and (in truth) leave the Nation in a perpetual State of War.

Your Lordships answer to that, that altho' you have agreed, that the King has deserted the Government, and therefore you have made application to the Prince of Orange, to take upon him the Administration of the Government, and thereby provide for the Safety and Peace of the Kingdom; yet there can be no Inference drawn from thence, but only that the Exercise of the Government by King James the second was ceased: so, as that the Lords were, and are willing, to secure the Nation against the Return of the said King into this Kingdom; but not that there was either such an *Abdication* by him, or Vacancy in the Throne, as that the Crown thereby became elective; to which they cannot agree. I desire now to know of your Lordships, what Part of this Reason hath given an answer to what the Commons said in their first Reason; that they may very well conclude from their own Vote, as to what your Lordships have therein agreed to, that the Throne is vacant, as to King James the second; deserting the Government, and deserting the Throne, being, in true Construction the same. Instead of answering this Reason, your Lordships come and apply it here, only to a bare giving over the Exercise of the Government by King James: And, pray, my Lords, let us consider where we are.

If the case be so, then King James the second, who has only left the Exercise, continues in the Office, and is King still; and then all the Acts that we have done in this Convention, are wholly (as we conceive) not justifiable; you are in no Place or Station to relieve yourselves, or Nation, in this Exigence; unless you will think of setting up another Regency by your own Authority, without his Consent; which, I conceive, by the Laws of England, you cannot do.

What then follows upon all we have done? We have drawn the Nation into a Snare, by the Steps we have taken; and leave all in such an intricacy, as we have no power by Law, to deliver them out of; nor can we answer for

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for what we have done, unless the King should die, and that would leave the Succession uncertain.

‘ My Lords, I only apply myself, to consider the Reasons of your Lordships, for insisting upon this second Amendment; because, I conceive, your Lordships have therein given no answer to the Reason first given by the Commons, why they cannot agree to your Lordships Amendment.’

Mr. Pollexfen.

‘ My Lords, your own Reasons (under favour) do shew, that your Lordships do intend, that the King is still in the Government: This, I think, is most apparent out of your own Reasons.

‘ For, when you have declared, that the King hath *deserted* the Government, and then say, no Inference can be drawn thence, but only that the Exercise of the Government by King James the second was ceased; then you do thereby still say, that King James the second is in the Government; for if only the Exercise be ceased, the Right doth still remain: Then I am sure we have no reason to agree with their Lordships in that point.

‘ Next, my Lords, truly we cannot see how this thing that you would have can be inferred from your own Vote, that only the Exercise of the Government by King James is ceased; since you do not say that he *deserted* the Exercise of the Government.

‘ And if your Lordships had any purpose to express your Meaning by a public Vote, that only the Exercise ceased, surely your Lordships would have put in the Word *Exercise* there: But when in your Vote you say the Government was *deserted*, you cannot mean only the Exercise of it.

‘ And that is the first Reason that the Commons give your Lordships, why we cannot by any means admit of your Lordships Amendment, because Throne and Government are in true Construction the same; but the Exercise of the Government only (as you express it) and the Government itself (if your Reason conclude right) are not the same: And we are to reason from the Words expressed in the Vote.

‘ Next, my Lords, we say, it cannot be inferred from the Words, as they rest in your Lordships Vote, that only the Exercise of the Government, as to King James the second, did cease.

‘ For if we read that Part about deserting the Government, with the rest of the Particulars that go before, his endeavouring to subvert the Constitution of the Kingdom, breaking the Original Contract, violating the fundamental Laws, and withdrawing himself out of the Kingdom; then can any Man of Understanding think that this deserting of the Government can be any thing else, but somewhat that

is agreeable to all those precedent Acts, which are not a ceasing of the Exercise of the Government only, but a Destruction of the Government itself?

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‘ But besides, my Lords, under favour, the Administration or Exercise of the Kingly Government is in Construction and Consideration of Law all one and the same: And, I think, nobody that would reason aright from thence can say there is any Distinction between Government and the Exercise of the Government; for whosoever takes from the King the Exercise of the Government, takes from the King his Kingship; for the Power and the Exercise of the Power are so joined that they cannot be sever’d.

‘ And the Terms themselves (taking them as the Law of England, which we are to argue from in this case, teacheth them) are so co-incident, that they cannot either subsist without consisting together: If a Man grant to another the Government of such a Place, this imports the Exercise of the Government there, to be granted thereby.

‘ As if the Islands belonging to this Crown and Dominion of England (as the Plantations abroad) if the King grants to any one the Government of Jamaica, or the like, sure no one will say, that that is not a Grant of the Exercise of the Government there.

‘ So that wherever a Government is granted, the Exercise of that Government is meant and included, and therefore the supposed Distinction may be something indeed, if they be only notionally considered; but it is a Notion altogether disagreeing to the Laws of England.

‘ When your Lordships say in your Reasons, That the Exercise of the Government as to King James the second is ceased, which is as far as you can go in this point, the Commons can by no means agree to this Reason; for by the Words so used (the Exercise ceased) we apprehend, that you mean the Kingship continueth still in him, and that only the Exercise is gone.

‘ And if it be so, and it be utterly unlawful, and as great a Crime (as what Law saith it is not?) to take away from the King the Exercise of the Government, as to take from him the Government; then it may do well for your Lordships to consider, whether you are not guilty of the same Crime and Thing which you would decline by your Amendment.

‘ The Commons therefore cannot admit, that there should be a taking away of the Exercise of the Government from the King, any more than the taking away the Government which (we say) he hath himself given away by *Abdication*. And if King James be our King still, we cannot by any means agree to the keeping of him out of the Kingdom; for if it be his Right to be King still, God forbid but that

he

Anno 4 Jac. II. he should enjoy it, and be admitted to the Exercise of it again.
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‘ Then, my Lords, for the Conclusion that your Lordships have added to your Reason, (as making it from the very Words of your Vote,) That it would infer such a Vacancy in the Throne, as that the Crown should thereby become elective; this, we conceive, is a Conclusion, that hath no Premises either from our Actions, or our Sayings, or our Votes, or any thing else in this case; nay, it is quite varying from all the Premises. But, when such a Conclusion can be shewn to follow from them, then it will be time enough for us to give our Answer to it.’

‘ But, my Lords, this is that we do insist upon; that if the Right of Kingship be still (after all that is agreed on both hands) due to him, we cannot in justice agree to keep him from it. And if it be not his due Right, but by these Acts, his Subversion of the Constitution, his breaking the Original Contract, and Violation of the fundamental Laws, he hath abdicated it (as we say,) and this Abdication hath put him by his Right, and so his Right is gone from him (as we conceive it is); then, I think, we may lawfully go on to settle the Peace and Welfare of the Nation.

‘ But the Right to be still in him, to have a Regency upon him without his own Consent, or till his Return, we take it to be a strange and unpracticable thing, and would be introductive of a new Principle of Government amongst us. It would be setting up a Commonwealth instead of our ancient regulated Government, by a limited Monarchy; then, I am sure, we should be justly blamed: And therefore we can by no means submit to your Lordships Alterations of our Vote, upon any of the Grounds and Reasons that have as yet been offered.’

Earl of Clarendon.

‘ As to what Mr. Pollexfen hath offered, I desire to observe a Word or two, and that is from the Commons second Reason, for their disagreeing to their Lordships Amendments.

‘ You say there, That the Commons do conceive they need not prove to your Lordships, that as to any other Person besides King James, the Throne is also vacant: Doth not this shew, that the Meaning of the Vacancy is a Vacancy throughout, as well as with respect to King James? I ask your Pardon if I do not declare my own Opinion about the Vacancy as to him; but all that I mention this for, is to know your Meaning in this Point, how far the Vacancy is to extend.

‘ You said before, That he had abdicated the Government, and thereby the Throne was vacant. How is it vacant? Is it only as to King James, or is it as to him and all or any
of

of his Posterity, or any of those that are in the Remainder Ando 4 Jac. II
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in the Royal Line in Succession? If it be as to them too, then it must necessarily follow, that the Kingdom must thereby become elective still, or the Government be changed into a Commonwealth; neither of which, we hope, the Commons intend by it. And therefore that made me ask before, what a grave and learned Gentleman meant, when he said it should not be perpetually elective.

‘I am sure, if we be left without a Government, as we find we are (why else have we desired the Prince to take upon him the Administration?) sure we must not be perpetually under Anarchy: the Word *elective* is none of the Commons Word; neither is the making the Kingdom elective the thing they had in their Thoughts or Intentions: all they mean by this Matter, is to provide a Supply for this Defect in the Government brought upon it by the late King’s Male-Administration. And I do say again, this Provision must be made; and if it be, that would not make the Kingdom perpetually elective. I stand not upon any Word, but am for the Thing, that a Provision be made to supply the Defect.’ Mr. Serjeant
Maynard

‘Do your Lordships agree, that the Throne is vacant as to King James the second? If so, or if you will say it is full of any body else; and will name whom it is full of, it will then be time for the Commons to tell what to say to it. If your Lordships will please to shew that, we will go on to give it an Answer.’ Mr. Pollexfen

‘Your own Words in your second Reason are, That you need not prove to us, that as to any other Person the Throne is also vacant; Then how should we name who it is full of? Admit for Discourse sake, but we do not grant it, for my part I do not; I say, taking it to be vacant as to King James the second, then you ask us, who it should be supplied by? Must it not be supplied by those that should have come if he were dead?’ Earl of Clarendon

‘For, I pray consider, I take this Government by all our Laws to be an Hereditary Monarchy, and is to go in Succession by Inheritance, in the Royal Line; if then you say this Government is vacant, that would be to put all those by that should take the Succession, and that will make the Kingdom elective for that time.’

‘You say, the Throne is vacant; then I may very well ask, who hath the Right of filling up that Vacancy? We say, there is no Vacancy; if there is, pray is there any body that hath the Right of filling it up?’

‘That is not the Question before us, yet that will come properly in Debate when we are agreed upon the Vacancy.’ Mr. Serjeant
Maynard

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Earl of Pem-
broke.

* The noble Lord says, It is by our Law an Hereditary Monarchy. I grant it; but though it should in an ordinary way descend to the Heir, yet as our case is, we have a Maxim in Law, as certain as any other, which stops the course; for no Man can pretend to be King James's Heir while he is living: *Nemo est heres viventis*.

' To that point I think my Lord Clarendon gave an Answer, That it should go to the next in the Line that were to take it, if the King were dead? For as we should be understood, we should make it a Case of Demise of our Kings, as our Law calls it; that is, the King is dead in Law by this Abdication or Desertion of the Government, and that the next Heir is to take by Descent.

' You, Gentlemen, ask us who the Throne is full of? I think it is sufficient to know that there are Heirs who are to take the lineal Succession, though we do not, or cannot positively name the particular Person; and therefore we may well conclude there is no Vacancy.

' Suppose I should be told, such a Gentleman is in such a Room, and there I find him and another Man with him; and I come out and tell you so, and ask which is he; you may be doubtful which of the two is the Man, but sure the one of them is he: but because you cannot tell which it is, shall I conclude no such one is there? If there be a doubtful Title (that is, dubious in whom the Title resides, but a certain Title as to some one) and I cannot directly name him that hath the immediate Right, yet it is sufficient to prevent the Vacancy, that there is an Heir or Successor, let him be whom he will.'

Mr. Serjeant
Maynard.

' But your Lordship will neither agree it is vacant, nor tell us how it is full. King James is gone, we hear or know of no other; what shall the Nation do in this Uncertainty? When will you tell us who is King, if King James be not? Shall we everlastingly be in this doubtful condition?

Earl of Pem-
broke.

' Sure, Mr. Serjeant Maynard, you will agree there is one, and no more than one, to whom a Right does belong of succeeding, upon Failure of King James. Has he no Heir known?

Mr. Serjeant
Maynard.

' I say, no Man can be his Heir while he lives. If he has any, it is *in nubibus*, our Law knows none; and what shall we do till he be dead? It cannot descend till then.'

Earl of Pem-
broke.

' You agree, that notwithstanding King Charles the second was abroad at his Father's Death, and did not actually exercise the Government; yet in Law, immediately upon his Father's Decease, he was not the less Heir for that; nor was the Throne vacant.'

' That is not like this case, because the Descent was legally immediate; but there can be no such thing during King James's Life, as an hereditary Descent: So that either here must be an everlasting War entailed upon us, his Title continuing, and we opposing his Return to the Exercise of the Government; or we have no Government for want of a legal Descent and Succession.

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Mr. Serjeant
Maynard.

' Pray, my Lords, consider the Condition of the Nation till there be a Government; no Law can be executed, no Debts can be compelled to be paid, no Offences can be punished, no one can tell what to do to obtain his Right, or defend himself from Wrong.

' You still say, the Throne is not void, and yet you will not tell us who fills it. If once you will agree, that the Throne is vacant, it will then come orderly in Debate, how it should, according to our Law, be filled.'

' The Objection (as I take it) that is made to these Reasons the Lords have given for their insisting upon the Amendments is, That we have not fully answered in them the Reasons given by the Commons for their not agreeing to those Amendments.'

Earl of Nottingham,

' My Lords, we say you have not fully answered the first of our Reasons.'

Mr. Sacheverell.

' Gentlemen, I intend to state the Objection so:

Earl of Nottingham.

' That first Reason of yours I take to be this in effect, that our Word *deserted* being applied to the Government, implies our agreeing that the King hath deserted the Throne, those two being in true Construction the same; and then, by our own Confession, the Throne is vacant as to him.

' To this you say, my Lords have given no Answer: Truly, I think it is a clear Answer, that the Word *deserted* may have another Sense, and doth not necessarily imply renouncing entirely of a Right, but a ceasing of the Exercise. But then, if that does not vacate the Throne as to him, the other Reason comes to be considered, how came you to desire the Prince of Orange to take the Administration upon him, and to take care of Ireland till the Convention, and to write his Letters circularly for this meeting? And to renew your Address to the Prince, and to appoint a Day of publick Thanksgiving?

' In answer to that, my Lords say, that though the King's deserting the Government (as they agree he has done) did imply the Throne to be vacant, yet they might justly do all those Acts mentioned in the Commons Reasons; because if barely the Exercise of the Government were *deserted*, there must be a Supply of that Exercise in some Person's taking the Administration; and as none so fit, because of the Prince's Relation to the Crown (and his Presence here) to

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address

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address unto about it, so none so proper to make that Address as the Lords: for in the Absence of the King, they are the King and Kingdom's Great Council, and might have done it by themselves without the Commons; but being met in a full representative Body, they joined with them.

Mr. Pollexfen indeed has said, There is no Distinction in Law between the Kingship and the Exercise of it: And, That it is the same Crime, in consideration of Law, to take away the Exercise, as to take away the Kingship.

I shall not dispute with that learned Gentleman (whom I very much honour for his Knowledge in the Profession of the Law) what offence either of them would be now; for we are not discourting concerning a Regency, how the Government should be administered, but we are barely upon the question, whether the Throne be vacant, so that we may have another King? But if we should grant a Vacancy, as to the King himself, we are then told, the next in Succession cannot take, because no one can be Heir to one that is alive. Yet, I think, the Answer given by my Lords before is a very good one, 'That tho' the King be not dead naturally, yet if (as they infer) he is so civilly, the next of course ought to come in as by Hereditary Succession; for I know not any Distinction between Successors in the Case of a natural Death, and those in the Case of a civil one.

For I would know if the next Heir should be set aside in this Case, and you put in another, whether that King shall be King of England to him and his Heirs, and so being once upon the Throne, the ancient lineal Succession be altered? If that be so, then indeed it is sufficiently an elective Kingdom, by taking from it the right Heir.

If it be not so, then I would ask, whether such King as shall be put in, shall be King only during King James's Life; that, I suppose, for many Reasons, is not your Meaning: but, at least he must be made King during his own Life; and then if there be a Distinction made as to the Succession between a natural and a civil Death, if King James should die during the Life of the new King, what would become of the Hereditary Monarchy? Where must the Succession come in, when the next Heir to King James may not be next Heir to the present Successor?

Therefore we must reduce all to this point, which my Lords have hinted at in their Reasons, whether this will not make the Kingdom elective? For if you do once make it elective, I do not say that you are always bound to go to Election, but it is enough to make it so, if by that Precedent there be a Breach in the Hereditary Succession; for I will be bold to say, you cannot make a stronger tie to observe that kind of Succession, than what lieth upon you to preserve it in this Case.

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‘ If you are under an Obligation to it, it is part of the Constitution. I desire any one to tell me what stronger Obligation there can be? and that, I say, is Reason enough for my Lords to disagree to it, it bringing in the Danger of a Breach upon the Constitution.

‘ Next, Gentlemen, I would know of you, if the Throne be vacant: whether we be obliged to fill it? If we be, we must fill it either by our old Laws, or by the Humour of those that are to chuse; if we fill it by our own old Laws, they declare, that it is an Hereditary Kingdom, and we are to take the next to whom the Succession would belong, and then there would be no need of standing upon a Vacancy.

‘ If we are to fill it according to the Humour of the Times, and of those that are to make the Choice, that diverts the Course of Inheritance, and puts it into another Line: And I cannot see by what Authority we can do that, or change our ancient Constitution, without committing the same Fault we have laid upon the King.

‘ These are the Objections against the Vacancy of the Throne, which occur to me; and we, Gentlemen, desire a Satisfaction to them before we agree to the Vacancy.

‘ And, I think, the answering them, will lead us unto that which I take to be the main point in question, whether the Vacancy of the Throne, and filling it again, will not, as my Lords say, endanger the turning this Hereditary Monarchy of ours into an Elective one?

‘ My Lords, it seems very strange to us, that this question should be asked us, when we come to shew, that your Lordships Reasons for leaving out this part of our Vote are not satisfactory, neither do answer the Reasons we gave for our not agreeing to your Lordships Amendments: And it is much stranger that we should be asked, whether this Vacancy extends to the Heirs, when you will not tell us, whether it be vacant as to King James himself.

Mr. Sachse-
rel.

‘ You put it upon us to say, the Execution or Exercise of the Government is ceased; but you will not say the Throne is vacant, so much as to him: And if it be not, what have we to do, to consider, or debate, of any Consequence, whether it will infer an Election or not?

‘ We desire of your Lordships that which we think is very proper; first, to know whether the Throne be vacant at all? If it be, then our Proposition in the Conclusion of our Vote is true, That the Throne is thereby vacant.

‘ My Lords, I think we come here very much in vain, till this Point be settled; what Satisfaction can it be to your Lordships, or us, or the Nation, to know that such things as are mentioned in the Votes had been done by King James, and that he has deserted (as you say) the Government, if he

still

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still retain a Right to it ; and your Lordships will not declare he hath no Right, but amuse the Kingdom with the doubtful words of the Exercise (as to him) ceasing. If that be all you mean, what need the Question be asked, how far it is Vacant, for it should seem it is not Vacant at all.

Earl of Nottingham.

‘ Will you please to suppose it vacant as to King James, that is, that he hath no Right? Then let us go on to the next Step.’

Mr. Sacheverel.

‘ That, my Lords, we cannot do, for all our Business is to maintain our own, that the Throne is vacant.’

Mr. Somers.

‘ My Lords, your Lordships, as a Reason against the Word *abdicate*, say, it is not a Word known in our common Law. But the Word *vacant*, about which we are now disputing, cannot have that Objection made to it; for we find it in our Records, and even applied in a parallel Case to this of ours, in 1 Henry IV. where it is expressly made use of more than once, and there it doth import what I think it doth import in this Vote of the House of Commons, now in Debate; and to require any farther or other Explication of it than the Record gives, will be very hard and unreasonable; for we are here to give the Commons Reasons for maintaining their own Vote, and nothing else.

‘ If your Lordships please to look into the Record in that Case, there was first a Resignation of the Crown and Government made and subscribed by King Richard the Second, and this is brought into the Parliament, and there they take notice, that the *Sedes Regalis* (those are the words) *fuit vacua*; and the Resignation being read both in Latin and English, in the Great Hall at Westminster, where the Parliament was then assembled, it was accepted by the Lords and Commons.

‘ After that, it proceeds farther; and there are Articles exhibited against Richard the Second, and upon these Articles they went on to Sentence of Deposition and Deprivation, and then follow the words in the Record; *Et confessum ut constabat ex premissis Et eorum occasione regnum Anglia cum pertinentiis suis vacare*. Then Henry the Fourth riseth up out of his Place as Duke of Lancaster, where he sat before, and standing so high that he might be well enough seen, makes this Claim to the Crown: The words in the Record are, *Dictum regnum Anglia sicut premittitur vacans una cum corona vendicat*.

‘ After that, the Record goeth on, That upon this Claim the Lords and Commons being asked, what they thought of it? they unanimously consented, and the Arch-Bishop took him by the Hand, and led him *ad Sedem Regalem predictam*, &c.

‘ Nay,

‘ Nay, and after all this, it is there taken notice of, and particularly observed, that *prins vacante sede Regali*, by the lesion and depofition aforefaid, all the public Officers ceafed; there is care taken for Henry IV’s taking the Royal Oath, and granting of new Commissions. Anne 4. Jac. 1st.
1683-4.

‘ My Lords, the Commons do therefore apprehend, that with very good Reason and Authority they did in their Vote declare the Throne to be vacant. But as to the going farther to enquire into the Confequences of that, or what is to be done afterwards, is not our Commiffion, who came here only to maintain their Exprefions in their Vote againft your Lordships Amendments.’

‘ In a free Conference the points in queftion are freely and fully to be debated; and my Lords, in order to their Agreement with the Commons, are to be fatisfied what is meant, and how far it may extend. Earl of Ro-
chefters.

‘ You, Gentlemen, that are Managers for the Houfe of Commons, it feems, come with a limited Commiffion, and will not enter into that Confideration which (as our Reafons exprefs) hath a great Weight with my Lords, whether this Vote of the Commons will not make the Monarchy of England, which has always heretofore been hereditary, to become elective?’

‘ That the Vacancy of the Throne will infer fuch a Confequence, to me appears very plain: And I take it from the Argument that laft Gentleman ufed for the Word *vacant*, out of the Record of Richard the Second’s time, that is cited for a Precedent for that word. But as that is the only Precedent, yet it is attended with this very Confequence; for it being there declared, that the Royal Seat was vacant, immediately did follow an Election of Henry the Fourth, who was not next in the right Line; did not then this hereditary Monarchy in this Inftance become elective? When King Charles the Second died, I would fain know, whether in our Law the Throne was *vacant*? No fure, the next Heir was immediately in the Throne. And fo it is in all hereditary fucceffive Governments.

‘ Indeed, in Poland when the King dies there is a Vacancy, becaufe there the Law knows no certain Succelfor: So that the difference is plain, that wherever the Monarchy is hereditary, upon the ceafing of him in Poffeffion, the Throne is not vacant; where it is elective, ’tis vacant.’

‘ I would fpeak one word to that Record which Mr. Somers mentioned, and which the Lord that fpoke laft hath given a plain answer unto, by making that difference (which is the great Hinge of the Matter in debate) between hereditary and elective Kingdoms. But I have fomething elfe to fay to that Record. Earl of Clam-
rendon.

‘ *First,*

Ann. 4. Jac. II.
1688-9.

First, It is plain in that Case King Richard the Second had absolutely resigned, renounced, or (call it what you please) *abdicated* in Writing under his own Hand. What is done then? After that, the Parliament being then sitting, they did not think it sufficient to go upon, because that Writing might be the effect of Fear, and so, not voluntary; thereupon they proceed to a formal deposition upon Articles, and then comes in the Claim of Henry IV.

After all this, was not this an Election? He indeed saith, that he was the next Heir, and claimed it by descent from Henry the Third; yet he that was really the next Heir did not appear, which was the Earl of March; so that Henry the Fourth claimed it as his indubitable Right, being the next Heir that then appeared.

But, Gentlemen, I pray consider what followed upon it; all the Kings that were thus taken in (we say elected, but the Election was not of God's Approbation) scarce passed any one Year in any of their Reigns, without being disturbed in the Possession.

Yet, I say, he himself did not care to owe the Crown to the Election, but claimed it as his Right. And it was a plausible Pretence, and kept him and his Son (though not, without interruption) upon the Throne. But in the time of his Grandson Henry the Sixth, there was an utter overthrow of all his Title and Possession too: For if you look into the Parliament Roll, 1 Edward the Fourth, the Proceedings against King Richard the Second, as well as the rest of the Acts during the Usurpation (as that Record rightly calls it) are annulled, repealed, revoked, reversed, and all the Words imaginable used and put in, to set those Proceedings aside as illegal, unjust and unrighteous. And, pray what was the Reason? That Act deduceth down the Pedigree of the Royal Line, from Henry the Third to Richard the Second, who died without Issue, and then Henry the Fourth (saith the Act) usurped; but that the Earl of March, upon the death of Richard the Second, and consequently Edward the Fourth from him, was undoubted King, by Conscience, by Nature, by Custom, and by Law.

The Record is to be seen at length, as well as that 1 Henry IV; and being a latter Act, is of more Authority.

And after all this, (I pray consider it well) the right Line is restored, and the Usurpation condemned and repealed.

Besides, Gentlemen, I hope you will take into your Consideration, what will become of the Kingdom of Scotland if they should differ from us in this Point, and go another way to work; then will that be a divided Kingdom from ours again. You cannot but remember how much trouble it

it always gave our Ancestors, while it continued a divided Kingdom; and if we should go out of the Line, and invert the Succession in any point at all, I fear you will find a Disagreement there, and then very dangerous Consequences may ensue.

Anno 4 Jac. II.
1688-9.

My Lords, the Proceeding and Expressions of the House of Commons in this Vote are fully warranted by the Precedent that hath been cited, and are such as wherein there has been no Interruption of the Government according to the Constitution.

Sir Robert
Howard.

The late King hath, by your Lordships Concession, done all those things, which amount to an *Abdication* of the Government; and the Throne's being thereby *Vacant*: And had your Lordships concurred with us, the Kingdom had long ere this been settled, and every body had peaceably followed their own Business. Nay, had your Lordships been pleased to express your selves clearly, and not had a mind to speak ambiguously of it, we had saved all this Trouble, and been at an end of Disputing.

Truly, my Lords, this Record that hath been mentioned of Henry the IVth, I will not say is not a Precedent of Election, for the Arch-Bishop stood up, and looked round on all sides, and asked the Lords and Commons, whether they would have him to be King; and they asserted, (as the words of the Roll are) that he should reign over them. And so it is done at every Coronation.

As to his Claim, they did not so much mind that, for they knew that he claimed by Descent and Inheritance, when there was a known Person that had a Title before him.

For, that which a noble Lord spoke of touching the public Acts that have been done since the King left us, I may very well say, we think them legally done; and we do not doubt but that Power which brought in another Line then, upon the Vacancy of the Throne by the Lesion of Richard the Second, is still, according to the Constitution, residing in the Lords and Commons; and is legally sufficient to supply the Vacancy that now is.

That noble Lord indeed said, that your Lordships might not only, with the Commons, advise the Prince of Orange to take upon him the Administration, and join with us in the other things; but that you might have done it of your selves, as being, in the absence of the King, the great Council of the Nation.

My Lords, I shall not say much to that Point, your Lordships Honours and Privileges are great, and your Councils very worthy of all Reverence and Respect,

Anno 4 Jsc. II.
1688-9.

‘ But I would ask this Question of any noble Lord that is here, Whether had there been an Heir, to whom the Crown had quietly descended in the Line of Succession, and this Heir certainly known, your Lordships would have assembled without his calling, or would have either administered the Government yourselves, or advised the Prince of Orange to have taken it upon him? I doubt you have been (pardon me for saying it) all guilty of High-Treason, by the Laws of England, if a known Successor were in possession of the Throne, as he must be if the Throne were not *Vacant*.

‘ From thence, my Lords, your Lordships see where the Difficulty lies in this Matter, and whence it ariseth, because you would not agree the Throne to be *Vacant*, when we know of none that possess it.

‘ We know some such thing hath been pretended to as an Heir-Male, of which there are different Opinions, and in the mean time we are without a Government; and must we stay till the truth of the Matter be found out? What shall we do to preserve our Constitution, while we are without a safe or legal Authority to act under the same, according to that Constitution; and in a little time it will, perhaps, through the distraction of our Constitution, be utterly irremediable?

‘ I do not deny, but that your Lordships have very great Hardships to conflict with in such a case; but who is the occasion of them?

‘ We all do know the Monarchy is hereditary; but how, or what shall we do to find out the Successor in the right Line?

‘ You think it will be a difficult thing to go upon the Examination who is Heir; perhaps it will be more difficult to resolve in this case, than it might be in another: For though heretofore there have been *Abdications* and *Vacancies*, it has been where the King has been of the same Religion of the established Worship of the Nation; and amongst those that pretended to the Succession, the several Claimers have been Persons born and bred up in that Religion that was established by Law; or it may be there hath been a Child in the Womb, at the time of the Vacancy.

‘ But then, my Lords, there would not be much difficulty to examine, who should inherit, or what were fit to be done. I confess, I say, there are difficulties of all sides, or else your Lordships sure would have spoke out before now: And if you had been clear in it yourselves, you would have let the Commons and the World have known it. But it not being clear, must we always remain thus? Use what words you will, *fill up*, *nominate*, or *elect*, it is the

the thing we are to take care of, and it is high-time it were done. Anno 4 Jac. II.
1682-9.

‘ My Lords, there is no such Consequence to be drawn from this Vote, as an Intention or a Likelihood of altering the course of the Government, so as to make it elective; the Throne hath all along descended, in an hereditary Succession; the main Constitution hath been preserved.

‘ The Precedent of Henry the Fourth is not like that of Elections in other Countries; and I am sorry there should be any occasion for what is necessary to be done now.

‘ But when such Difficulties are upon the Nation, that we cannot extricate our selves out of, by fixing who is the lineal Successor, your Lordships, I hope, will give us leave to remember *Salus populi est suprema Lex*.

‘ And if neither you nor we can do any thing in this Case, then we, who are met under the notion of an Assembly or Convention of the States, have met to no purpose; for after we have voted our selves to be without a Government, (which looks as if something were really intended as to a Settlement) all presently sinks, and we are as much in the dark as we were before.

‘ And, my Lords, I pray give me leave to say one thing more: Your Lordships say, you will never make a Precedent of Election, or take upon you to alter the Succession.

‘ With your Lordships favour, the Settlement of the Constitution is the main thing we are to look after. If you provide for the Supply of the defect there, that point of the Succession will, without all question, in the same Method, and at the same Time, be surely provided for.

‘ But, my Lords, you will do well to consider: Have not you your selves already limited the very Succession, and cut off some that might have a lineal Right? Have you not concurred with us in our Vote, That it is inconsistent with our Religion and our Laws to have a Papist to reign over us? Must we not come then to an Election, if the next Heir be a Papist? Nay, suppose there were no Protestant Heir at all to be found, would not your Lordships then break the Line?

‘ But your Lordships Vote is inconsistent; you do suppose a Case of the greatest Consequence that can be, may happen; and if that should happen to be our Case, that the whole Protestant Line should fail, would not that necessitate an Election, or else we must submit to that which were inconsistent with our Religion and our Laws?

‘ If your Lordships then, in such a case, must break through the Succession, I think the Nation has reason to expect you should take care to supply the present Defect, where the Succession is uncertain.

Anno 4 Jac. II.
1688-9.

‘ My Lords, if this should not be agreed unto, what will be the Consequence? We that used, and justly, to boast of living under the best of Governments, must be left without any one; for, your Lordships, it seems, cannot agree with us to supply and fill up this Gap in it, or tell us who is the Successor: And we must not do it ourselves by Election; which is the only way left us to provide for our Settlement.

‘ Truly, my Lords, upon the whole, I cannot tell what Condition we shall be in, or what we can do farther; but we must even part, and break up in Confusion; and so leave the Nation to extricate itself, as well as it can, out of this Distraction. But then, at whose Door that will lie, I must leave to your Lordships own Thoughts.’

Earl of Pembroke.

‘ We have indeed passed such a Vote, as that Gentleman says, against a Popish Prince’s reigning over us; but I should think that amounts to no more than a Resolution, that by a Law to be made we will take care of it in Parliament: Therefore I think that which we aim at, and that which the Constitution of our Government does require, is, to put things in a legal Method: And, in order to it, I would have the legal Successor declared and proclaimed, and then a Parliament summoned in that Prince’s Name, and the whole Matter settled there.

‘ An Act made by a King *de facto*, is void as to a King *de jure*; therefore I would have the Constitution preserved, and would desire, that all that is done in this Matter may be again done in Parliament.’

Earl of Clarendon.

‘ Sir Robert Howard was pleased to say, That ‘ By the same Method that the Throne now should be filled, by the same the Successor should be declared, and the right Line settled.’ Is not that declaring the Crown to be elective?

‘ Suppose you say nothing but fill the Throne, is it not to take away the right Line of Inheritance? And, will not such a Successor claim it for his Posterity?

‘ Truly, I think, if the right Line be declared in the same Way that the Successor is, then we take upon us to dispose of the Inheritance of the Crown absolutely; which, I think, by all the Law I ever read or could hear of among us, is out of our Power; and, that neither House, nor both Houses together, have Power to do any thing relating to the Succession, but by Act of Parliament; which the two Houses by themselves cannot make.’

Sir Richard Temple.

‘ I think we are now going too far in this Matter; the question before us is only, *Whether there be a Vacancy in the Throne?* After we have done with that, I do not see how this will preclude the Consideration of any Claim to the Succession.

‘ Your

' Your Lordships say, *that we are under great Difficulties upon this Subject.* But, my Lords, till you have declared the Throne vacant, I must presume to say, I do not see how it is possible for any of us to make one Step towards a Settlement. Anno 4. Jac. II.
1685-6.

' If there be any Claims to the Crown, that Consideration will be next, and how to determine them: I conceive we are in the same Capacity as our Predecessors were, to provide for all Exigencies as shall emerge, and for the supplying all Defects in the Government.

' It is true, by the Acts of Queen Elizabeth and King James I. we have the Oaths of Supremacy and Allegiance that are to be, and have been taken by all Persons.

' But, my Lords, there is an old Oath of Fidelity, that useth to be required in Leets, and that by the ancient Law of England every Man ought to take who is sixteen Years of Age; and this was as much obliging to the King, his Heirs and Successors, as any of those later Oaths are; for they seem only to be made to exclude foreign Authorities, and not to infer any new Obedience or Subjection: Therefore I am only saying, we are in as natural a Capacity as any of our Predecessors were, to provide for a Remedy in such Exigencies as this.

' I do not intend to trouble your Lordships any farther than the Words of the Vote lead me.

' If the Throne were full, what do we do here; nay, how came we hither? I would fain know, Whether all that is mentioned in one of our Reasons of the Administration being committed to the Prince, and those other Acts, do not all imply, at least, that we are in such a Case as *wherein the Throne is vacant*? otherwise, if it had been full, I appeal to any one, Whether we could have assembled or acted in any other Name, or by any other Authority, than his that filled it? Then do not all these Things declare, that there is a Vacancy?

' My Lords, I have done, having said this, that it is a subsequent Consideration, how the Throne shall be filled, and all the Particulars that relate to it remain entire, after this Resolution taken.

' But, I think, we are at present to go no farther. No Man, I hope, thinks there is a just Ground for any Apprehension of an Intention to change the Government; I am sure there is no Ground for any such Apprehension: So that we have all the Reason in the World to insist, that your Lordships should agree with us; that the Throne is vacant, or we shall not be able to move one Step farther towards a Settlement.'

' My Lords, so much has been said in this Matter already, that very little is to be added. Sir Thomas
Lee.

' But give me leave to say unto your Lordships, That those Amendments your Lordships have made to the Commons

Ann. 4. Jac. II.
1688-9.

mons Vote are not agreeing with your other Votes, nor any of the Acts done since the *Abdication*. Had it been in the common, ordinary Case of a Vacancy by the King's Death, your Lordships in December last would sure have let us known as much: But it is plain you were sensible we were without a Government, by your desiring the Prince to take the Administration, and to issue out his Letters for this Convention.

‘ But, my Lords, I would ask this question, Whether upon the *Original Contract* there were not a Power preserved in the Nation, to provide for itself in such Exigencies?

‘ That Contract was to settle the Constitution as to the Legislature, which a noble Lord in the beginning spoke of; so we take it to be: And it is true, that it is a Part of the Contract, the making of Laws, and that those Laws should oblige all sides when made; but yet so as not to exclude this Original Constitution in all Governments that commence by Compact, that there should be a Power in the States to make Provision in all Times, and upon all Occasions, for extraordinary Cases and Necessities, such as ours now is.

‘ I say nothing now as to the hereditary Succession; our Government has been always taken to be hereditary, and so declared when there has been occasion to make Provision otherwise than in the direct Line.

‘ But our Matter is singly upon a Point of Fact, Whether the Throne be vacant (as the Commons say it is) by the *Abdication* of King James the Second.

‘ The present Vacancy is nearest that of Richard the Second, of any that we meet with in our Records; and the Phrase being there used, we insist upon it as very proper. And when that is agreed unto, the House will, no doubt, declare their Minds in another consequential question that shall arise in a proper Way. But this is all we can speak to now.

Sir George
Treby.

‘ To discourse, whether the Crown of England, would by this means become elective, is altogether unnecessary; and, I think, your Lordships have given no Reasons that are sufficient to make the Objection out, neither any Answers to the Commons Reasons for their Vote.

‘ It seems to me an odd Way of reasoning, first to mistake the Meaning, and then give Reasons against that mistaken Meaning.

‘ The question is only here, Whether we can make good this Proposition, *That the Throne is vacant by the Abdication of the late King*.

‘ I confess, it is a melancholy Thing to discourse of the Misarrriages of Governments, but it is much more afflictive to talk of unbinging all the Monarchy, by a breach upon the direct Line of the Succession; as, if the Crown of England did

did actually descend to Lewis the fourteenth, it would not be in the Power of the States of this Kingdom to devolve it upon another Head.

Anno 4 Jac. II.

1688-9.

‘ A noble Lord put an Instance of two Men in one Room, one of whom was really such a one: But though a Stand-by could not directly tell which was he, yet it could not be said by him, that such a one was not there. But, if you please, I will put this Case:

‘ Suppose there were two Men in one Room, that no one alive could tell which was which; as suppose this to be the Case of the two Children of Edward the Fourth, that they had been kept close Prisoners by their Uncle Richard the third so long, that there were no living Witnesses able to tell which was the eldest of the two, that would occasion a Difficulty much as intricate as ours here. One of them must be eldest, but by reason of the Uncertainty, must not an Election be made of them? And could any thing else do but an Election? But, I say, the proper single question here is, Whether we have well affirmed upon the Premises that are mentioned in the former Part of the Vote, that he has *abdicated*, and that *the Throne is thereby vacant*.

‘ Your Lordships in part agree; for you say, *he has deserted the Government*; then you say, *he is not in it*. And it is as much as to say, he has left the Kingdom destitute of a Government?

‘ Now if there be any Sense in which our Proposition is true, will you deny the whole Proposition, because it may be taken in a Sense that is dubious and uncertain, as to the Consequences?

‘ You cannot say the Throne is full: If then there be a Doubt with you, to be sure it is not like to be evident to us, especially in this Case, considering who your Lordships are.

‘ You are the Persons that usually are, or ought to be present at the Delivery of our Queens, and the proper Witnesses to the Birth of our Princes. If then your Lordships had known who was on the Throne, we should certainly have heard his Name from you, and that had been the best Reason against the Vacancy that could have been given.

‘ My Lords, we say no more than our Ancestors have said before us, as you see by the Parliament-Roll, 1 Henry IV; and I must maintain the Record to this purpose, that the Government is vacant, and it is there declared, as it is expressed in our Vote: So that we have not invented or coined a Word for our Turn, neither is the Notion new, it is a Word that has been used before in a Case as near this as any can be.

‘ But

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* But it is objected, That that should be no Precedent; because of what followed upon that Vacancy of the Throne. I desire that your Lordships would read the Record.

* The next Thing there, is, Henry the Fourth cometh himself, and says, He claimed the Crown as descended from Henry the Third, and the Lords and Commons assented. It is true, the Archbishop did propose him (as was usual at Coronations) and he did there actually ask them, *Whether they did chuse him for their King?* They agreed to it, and the Archbishop makes a Discourse upon the Virtues of a Man to govern the Nation better than a Child; and then he is placed on the Throne. And this I take to be a proper, plain, applicable Precedent in our Case.

* But that noble Lord's Objection strikes at the very Heart of it, if the Objection be rightly made, That all these Proceedings, and so consequently the Words and Phrases there used, are all repealed, 1 Edward IV.

* My Lords, it is very well known, and readily agreed by us, that Edward the Fourth came in, in disaffirmance of the Title of the House of Lancaster.

* As those Times went, whenever there was any Turn in Government, (as there were several) there were new and contrary Declarations about the Title to the Crown made constantly in Parliament; and what one Parliament had settled, another undid.

* But then this Advantage we have on our side, that as we have this first Precedent for us, so we have the last; for I need go no farther, than the Parliament-Roll of 1 Henry VII, 12. 16. where the Record is set right again.

* The Act for deposing Richard the Second is indeed by 1 Edw. IV. repealed, and saith, that Henry the Fourth usurped the Crown, and murdered Richard the Second; and thereupon it proceeds to attain Henry VI. But then comes in Henry the Seventh, and 1 Henry VII. there is an Act made, that sets aside all the Acts and Attainders made against his Line, and consequently repealed 1 Edw. IV. which repealed 1 Henry IV.

* And I would observe one thing, by the way, concerning Henry the Seventh: He was of the Line of Lancaster, and when he came to the Crown, would not endure to have his Crown reckoned only matrimonial, or suffer the Title to go in the Names of Henry and Elizabeth, as he must have done if he had stuck to the Title of the right Line of Succession; no, he always stood up for his own Title, though he had the Heiress of the House of York in his Bosom.

* Therefore, my Lords, his Act for restoring the Record of 1 Henry IV. again, is as good an Authority as it was

was before, and somewhat better; for it hath the last Act on its side, which is unrepeal'd to this Day.

Anno 4. Jac. II.
1688-9.

Henry the Seventh had a good Right and Title by Marriage to the Crown, *in re Uxoris*. No one can question but his own Title, as descended from Henry the Fourth, was an Usurpation; and he would not suffer any one to prescribe which Title was best, as long as it was acknowledged he had one good one.

Earl of Pembroke.

That this Kingdom is hereditary, we are not to prove by Precedent in the List of our Kings and Queens; for we shall scarce find above three in any direct Line, without some Interruption: and therefore we are not to fetch our Precedents or Proofs, so far as those Days. And this I speak for the Reason which was hinted before.

The Laws made are certainly Part of the *Original Contract*; and by the Laws made, which establish the Oath of Allegiance and Supremacy, we are tied up to keep in the hereditary Line, being sworn to be true and faithful to the King, his Heirs and Successors; whereas the old Oath was, only to bear true Allegiance to the King. There (I take it) lies the Reason why we cannot (of ourselves) without breaking that Contract, break the Succession, which is settled by Law, and cannot be altered but by another, which we ourselves cannot make.

Your Lordship is pleased to say, Henry the Seventh's Title by Descent was an Usurpation. I think it is pretty hard to determine what Title he did govern by, since, though his Wife was the lineal Heir, yet she had no part, or so much as a Name in the Administration. And if it were too great an Issue to be tried then, it will be harder to do it now. And it has been said, it was his Mother's Council to him, not to declare particularly upon what foot his Title stood.

Sir George Treby.

But, my Lords, if we should allow none for Acts of Parliament but those that were made in the Reigns of Hereditary Kings, and in the right Line, I doubt we should want the greatest part of those Laws that compose the Volume of Statute Books, and the Records by which we enjoy a great part of our Inheritances and Possessions.

If we look but into the Law of Nature (that is above all human Laws) we have enough to justify us in what we are now a doing, to provide for ourselves and the public Weal in such an exigency as this.

Mr. Serjeant Maynard.

If Laws made about the Succession be so obliging, what then shall we say to the Succession of Queen Elizabeth, who had an Act of Parliament (to the keeping of which an Oath was required) against both her and her Sister.

Sir Richard Temple.

But to shew what Opinion she herself and the wise Men of her Times had, and were of, in this point, there is an

Earl of Pembroke.

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Act made in her Reign, and yet in being, which declares it to be a *Præmunire* to affirm, the Parliament cannot settle the Succession of the Crown, or alter it. Entails in Parliament have been of the Crown, both Ancient and Modern, yet the Authority of another subsequent Act has prevailed against such an Entail: So that it should be done, I say, in Parliament.

Sir Richard
Temple.

‘ I think we are in as full a Capacity to take care of the Government as any of our Predecessors, in such an exigence; and if we do as they have done before us, that is not to be called a changing of the Monarchy from an hereditary to an elective.’

Earl of
Nottingham.

‘ After this long Debate, pray let us endeavour to come as near as we can to an Agreement: We have proposed some Questions about which my Lords desired to be satisfied: you, Gentlemen, have not been pleased to give an Answer to them, and we have no great hopes of getting one from you, as this Debate seems to be managed.

‘ On your part you have declared, That you do acknowledge the Monarchy is Hereditary and Successive in the right Line; then I cannot see how such an Acknowledgment consists with the Reasons you give for your Vacancy; for I cannot imagine how a Kingdom can be an Hereditary Kingdom, and that King who hath Children now in being (at the time of his forsaking the Government) can have the Throne Vacant both of him and his Children.

‘ The Course of Inheritance, as to the Crown of England, is, by our Law, a great deal better provided for, and runs stronger in the right Line of Birth than of any other Inheritance. No Attainder of the Heir of the Crown will bar the Succession to the Throne, as it doth the Descent to any common Person. The very Descent, by Order of Birth, will take away any such Defect.

‘ And so was the Opinion of the great Lawyers of England, in the Case of Henry the Seventh. Then cannot I apprehend how any Act of the Father’s can bar the Right of the Child; (I do not mean that an Act of Parliament cannot do it) I never said so, nor thought so; but, I say, no Act of the Father’s alone can do it, since even the Act of the Son, which may endanger an Attainder in him, cannot do it, so careful is the Law of the Royal Line of Succession. This is declared by many Acts of Parliament, and very fully and particularly by that Statute 25 Henry the Eighth, cap. 22. entitled, *An Act concerning the King’s Succession*; where the Succession of the Crown is limited to the King’s Issue Male first, then Female, and the Heirs of their Bodies one after another, by Course of Inheritance, according to their Ages, as the Crown of England hath been accustomed and ought to go in such Cases.

‘ If

‘ If then the King hath done any thing to divest himself of his own Right, it doth not follow thence, that, that shall exclude the Right of his Issue; and then the Throne is not vacant, as long as there are any such Issue; for no Act of the Father can vacate for himself and Children.

‘ Therefore if you mean no more than only the divesting his own Right, I desire you would declare so: And then suppose the Right gone as to him, yet if it descended to his lineal Successor, it is not vacant.

‘ And I told you, one Reason my Lords did stand upon, against agreeing to the Vacancy, was, because they thought your Vote might extend a great deal farther than the King’s own Person.

‘ But your all owning it to be a lineal Inheritance, and this Vacancy, methinks, do not by any means consist.

‘ You declare, you never meant to alter the Constitution; then you must preserve the Succession in its ancient Course: So I did hear a worthy Gentleman conclude it to be your Intention to do. But by what methods can it be done in this Case by us? I desire to be satisfied in a few things about this very matter.

‘ I desire first to know, whether the Lords and Commons have Power by themselves to make a binding Act or Law? And then I desire to know, whether, according to our ancient legal Constitution, every King of England, by being seated on the Throne, and possessed of the Crown, is not thereby King, to him and his Heirs? And without an Act of Parliament, (which we alone cannot make) I know not what Determination we can make of his Estate.

‘ It has been urged indeed, that we have in effect already agreed to what is contained in this Vote, by Voting, that it is inconsistent with our Religion and Laws, to have a Popish Prince to rule over us.

‘ But I would fain know, whether they that urge this, think that the Crown of Spain is legally and actually excluded from the Succession by this Vote?

‘ No Man sure will undertake to tell me, that a Vote of either House, or both Houses together, can alter the Law in this or any other point.

‘ But because I am very desirous that this Vote should have its effect, I desire that every thing of this nature should be done in the ancient usual Method, by Act of Parliament.

‘ God forbid that since we are happily delivered from the Fears of Popery and arbitrary Power, we should assume any such Power to ourselves; what advantage should we then give to those, who would quarrel with our Settlement for the Illegality of it? Would not this, which we thus endeavour to crush, break forth into a Viper?

Anno 4. Jac. II.
1688-9.

‘ For the Record of 1 Henry IV. I acknowledge the Words of the Royal Seat being vacant are used. But since you yourselves tell us of it, that Henry the Fourth did claim by Inheritance from his Grandfather, that methinks may come up to what I would have the declared Sense of both Houses upon this question; (to wit) the Throne might be vacant of Richard the Second, but not so vacant but the Claim of the immediate Successor was to take place, and not to be excluded, but entirely preserved.

‘ And Richard the Second seems to have had the same Opinion, by delivering over his Signet to them.

‘ Our Laws know no *inter-regnum*; but upon the Death of the Predecessor the next Heir is King *in uno & eodem instante*.

‘ It was so resolved even in Richard the Second’s own Case; for at his Grandfather’s Death it was a question, whether King Richard the Second, or the eldest Son of his Grandfather then living, should succeed; and it was resolved, that he ought to have it, because of his Right of Inheritance: Which is the more remarkable, because of the Contest.

‘ And when Richard the Third usurped his Crown, to make his Claim good to the Right of Inheritance, he bastar- dized his own Nephews.

‘ And so it was in all the Instances of the Breaches that were made upon the Line of Succession, which were some seven (but all illegal) for such was the Force of the Laws, that the Usurpers would not take the Crown upon them, unless they had some specious pretence of an Hereditary Title to it.

‘ That which I would have avoided by all means, is, the mischievous Consequences that I fear will ensue upon this Vacancy of the Throne, (to wit) the utter overthrow of the whole Constitution of our Government. For if it be so, and the Lords and Commons only remain as part of it, will not this make the King one of the three Estates? Then is he the Head of the Commonwealth, all united in one Body under him. And if the Head be taken away, and the Throne vacant, by what Laws or Constitution is it that we retain Lords and Commons? For they are knit together in their common Head; and if one part of the Government be dissolved, I see not any reason but all must be dissolved.

‘ Therefore ’tis of very great Importance that we come to an Explanation, how far you mean the Throne to be vacant; and that if it reach to the King and his Heirs, (notwithstanding all the Acts of Parliament about the Succession) we may consider how the Consequences of that will affect the Constitution; for I presume to say, it may then be in your power as well to say, we shall have no King at all.

‘ I was mistaken by the Gentlemen who took notice of what I said the Lords might do of themselves, in the absence of the King: I would not be understood to say, the Government would be devolved upon the Lords; but I may say they are the Government’s great Council in the Interval of Parliaments, and may have greater sway by the Privilege of their Birth, in the exigencies of the State: as appears in several Instances, and particularly the first of Henry the Sixth, and during his Infancy. Anno 4. Jac. II.
1688-9.

‘ There was a Case put by one Gentleman, about the two Sons of Edward the Fourth being kept Prisoners so long, till it could not be known by any living Witnesses which was the eldest: I would only ask that Gentleman, whether in that Case he would say the Throne were vacant; certainly there would have been one in the Throne.

‘ But then it followeth, that though there should be an uncertainty of the particular Person, yet that would not infer a Necessity that the Throne should be vacant.

‘ Upon the whole matter, you seem to understand your own words to signify less than they do really import.

‘ I do not find that you purpose to make the Kingdom Elective; and yet you talk of supplying the Vacancy by the Lords and Commons.

‘ You do not say, that the King has left the Crown for himself and his Heirs; and yet your Words speak of a Vacancy, and nothing of the Succession: but you do not tell us what you mean.

‘ Therefore if this matter were explained, that my Lords may know how far the Intention of the Vote reacheth, that it may not abroad, or hereafter, be construed to go beyond such Meaning, (that is) as to the King himself, and not to his Heirs, perhaps there might quickly be a happier Accommodation than can be expected while things remain thus, still in doubt, and in the dark.

‘ Gentlemen, if any of you can settle this Matter in its true Light, it would do very well; and it is you must do it; for the words are yours, and so we must be told your Signification and Intention by yourselves.

‘ If you mean by *Abdication* and *Vacancy* only that the King has left the Government, and it is devolved upon the next Successor, that may perhaps satisfy my Lords, and we may agree upon some Settlement.

‘ I must confess any Government is better than none; but I earnestly desire we may enjoy our ancient Constitution.

‘ Therefore I again renew my Request, that you would come to such an Explanation, as may breed an Union between the two Houses, for the Strength of your Consultation and Resolutions in this great Emergency.

Anno 4 Jac. II.
1688-9.

‘ If the Kingdom were indeed elective, we were in a Capacity of electing, but *pro hac vice*, according to the Constitution, this Question would be greater than what it was before ; but then the great Debate in it would only be, who should first have the Honour of laying the very Foundation of the new Government.

‘ But as this Case stands upon the foot of our ancient Laws, and fundamental Constitution, I humbly beseech you to consider, whether at the same time that, in this way, you get an established Government, you do not overturn all our legal Foundations.

Mr. Paul
Foley.

‘ I hope, my Lords, there is no danger of shaking our Fundamentals in this case ; but we are pursuing those Methods that agree with our Laws and Constitution : For though the Monarchy of this Nation be Hereditary in the ordinary Course of Succession, yet there may fall out a Case wherein that cannot be complied with, and a plain Vacancy may ensue. For, put the case the whole Royal Line should fail, (as they are all mortal, as well as we ourselves are) should we in that case have no Government at all ? And who then should we have but the Lords and Commons ? And I think that Case comes nearest to the Case in question, where the Successor is not known ; for if he had been, we should have heard of him before now. And what is the reason that it should then in the former Case devolve to Lords and Commons, but that there is no King ? And they being the Representative Body of the Kingdom, are the only remaining apparent Parts of the Government, and are only to supply the Defect by providing a Successor. And, is there not the same reason here ? We are without a King, I am sure I do not know of any that we have : If that fall out to be the case now, that will infer a Vacancy with a witness, and it will be of necessity that the Lords and Commons take care to supply it.

Mr. G. Eyre.

‘ My Lords, we are led, and, I think, out of the way, into a very large Field, hunting after the Consequences of a Vote not yet settled or agreed unto : We have, as I conceive, nothing but the Vote itself to consider of, or debate upon : We do not intend to prejudice any legal Right : But what the Consequences of this Vote may be, before the Vote itself be passed, I believe no Man can reasonably pretend to ascertain, unless we have the Spirit of Prophecy.

‘ The Throne may be vacant as to the Possession, without the Exclusion of one that has a right to the Succession, or a Dissolution of the Government in the Constitution ; neither will there be room for the Objection of a King *de facto*, and not *de jure*, which some of the Lords were pleased to express their Fears of.

‘ This

' This Gentleman that stands by me instanced in a Record, and that was mistaken as a Precedent for the Proceeding in this case; it was only mentioned by him to shew, that by using the Word *vacant*, the Commons did no more than our Ancestors did before us; and therefore it was not an unknown Word or Thing to have the Throne *vacant*.

Anno 4 Jac. II.
1688-9.

' We do apprehend we have made a right and apt Conclusion from the Premises, for otherwise all the Vote is but historical.

' We declare the late King hath broke the Original Contract, hath violated the Fundamental Laws, and hath withdrawn himself out of the Kingdom, that he hath abdicated, and actually renounced the Government.

' What occasion was there for such a Declaration as this, if nothing were concluded from it? That were only to give the Kingdom a compendious History of those Miseries they have too well learnt by feeling them.

' Therefore there was a Necessity to make some Conclusion, and none so natural as this; that we are left without a King in the Words of the Vote; that the Throne is thereby vacant, which it may be as to the Possession, and yet the Right of Succession no way prejudiced.

' But, my Lords, we come here by the Command of the House of Commons, to debate the Reasons of their Vote and your Lordships Amendments; not to dispute what will be the Consequences, which is not at present our Province.'

And so the Conference ended, and the Members of each House returned to their respective Houses.

Die Jovis septimo Feb. 1688. A Message from the Lords by Sir Robert Atkins and Sir Edward Nevil.

' Mr. Speaker, the Lords have commanded us to tell you, that they have agreed to the Vote sent them up of the 28th of January last, (touching which there was a free Conference Yesterday) without any Alterations.'

Upon the 13th of February the Prince and Princess of Orange, being placed on two large Seats under a Canopy of State in the Banqueting-House, both Houses of the Convention waited upon their Highnesses in a full Body, and caus'd the Clerk of the Crown to read with a loud Voice the following Declaration of the Lords Spiritual and Temporal, and Commons assembled at Westminster; the most memorable and significant that had been known for several Ages.

' Whereas the late King James the Second, by the Assistance of divers evil Counsellors, Judges and Ministers employed by him, did endeavour to subvert and extirpate the Protestant Religion, and the Laws and Liberties of this Kingdom; by assuming and exercising a Power of dispensing

The two
Houses Declaration of
Rights.

Anno 4 Jac. II.
1688-9.

sing with, and suspending of Laws, without Consent of Parliament: By committing and prosecuting divers worthy Prelates, for humbly petitioning to be excus'd from concurring to the said assumed Power: By issuing and causing to be executed, a Commission under the Great Seal, for erecting a Court called, The Court of Commissioners for Ecclesiastical Causes: By levying Money for and to the Use of the Crown, by pretence of Prerogative, for other time, and in other manner, than the same was granted by Parliament: By raising and keeping a Standing-Army within this Kingdom in time of Peace, without Consent of Parliament; and quartering Soldiers contrary to Law: By causing divers good Subjects, being Protestants, to be disarm'd, at the same time when Papists were both arm'd and employed contrary to Law: By violating the Freedom of Election of Members to serve in Parliament: By Prosecutions in the Court of King's-Bench for Matters and Causes cognizable only in Parliament; and by divers other arbitrary and illegal Courses. And whereas of late Years, partial, corrupt, and unqualified Persons, have been return'd and serv'd on Juries in Trials, and particularly divers Jurors in Trials for High-Treason, which were not Freeholders; and excessive Bail hath been required of Persons committed in criminal Cases, to elude the Benefit of the Laws made for the Liberty of the Subjects; and excessive Fines have been imposed; and illegal and cruel Punishments inflicted; and several Grants and Promises made of Fines and Forfeitures, before any Conviction or Judgment against the Persons upon whom the same were to be levied: All which are utterly and directly contrary to the known Laws and Statutes, and Freedom of this Realm.

And whereas the said late King James the Second, having abdicated the Government, and the Throne being thereby vacant, his Highness the Prince of Orange (whom it hath pleased Almighty God to make the glorious Instrument of delivering this Kingdom from Popery and Arbitrary Power) did (by the Advice of the Lords Spiritual and Temporal, and divers principal Persons of the Commons) cause Letters to be written to the Lords Spiritual and Temporal, being Protestants, and other Letters to the several Counties, Cities, Universities, Boroughs, and Cinque-Ports, for the choosing of such Persons to represent them, as were of right to be sent to Parliament, to meet and sit at Westminster, upon the 22d Day of January in this Year 1688, in order to such an Establishment, as that their Religion, Laws and Liberties, might not again be in danger of being subverted: Upon which Letters, Elections having been accordingly made; and thereupon the Lords Spiritual and Temporal,

Temporal, and Commons, pursuant to their several Letters Anno 1 W. & M. and Elections, being now assembled in a full and free Representative of this Nation, taking into their most serious Consideration the best means for attaining the Ends aforesaid, do in the first place (as their Ancestors in like case have usually done) for vindicating and asserting their ancient Rights and Liberties; declare,

1. ' That the pretended Power of *suspending Laws*, or Execution of Laws, by regal Authority, without Consent of Parliament, is illegal. 2. That the pretended Power of *dispensing* with Laws, or the Execution of Laws, by regal Authority, as it hath been assum'd and exercis'd of late, is illegal. 3. That the Commission for erecting the late Court of *Commissioners for Ecclesiastical Causes*, and all other Commissions and Courts of the like Nature, are illegal and pernicious. 4. That Levying of Money for or to the Use of the Crown, by Pretence of Prerogative, without Grant of Parliament, for longer Time, or in any other Manner than the same is or shall be granted, is illegal. 5. That it is the Right of the Subjects to *petition* the King, and all Commitments and Prosecutions for such Petitioning, are illegal. 6. That the Raising or Keeping a Standing-Army within the Kingdom in time of Peace, unless it be with Consent of Parliament, is against Law. 7. That the Subjects, which are Protestants, may have Arms for their Defence suitable to their Condition, and as allow'd by Law. 8. That Elections of Members of Parliament ought to be Free. 9. That the *Freedom of Speech*, and Debates or Proceedings in Parliament, ought not to be impeach'd or question'd in any Court or Place out of Parliament. 10. That *Excessive Bail* ought not to be requir'd, nor *Excessive Fines* impos'd, nor cruel and unusual Punishments inflicted. 11. That *Jurors* ought to be duly Empannell'd and Return'd, and Jurors which pass upon Men in Trials of High-Treason ought to be *Free-Holders*. 12. That all Grants and Promises of *Fines* and *Forfeitures* of particular Persons, before Conviction, are illegal and void. 13. And that for Redress of all Grievances, and for the Amending, Strengthening and Preserving of the Laws, *Parliaments* ought to be held frequently.

.. ' And they do Claim, Demand and Insist upon all and singular the Premises, as their undoubted *Rights* and *Liberties*; and no Declarations, Judgments, Doings or Proceedings, to the Prejudice of the People in any of the said Premises, ought in any wise to be drawn hereafter into Consequence or Example. To which Demand of their *Rights* they are particularly encourag'd by the Declaration of his Highness the Prince of Orange, as being the only Means for obtaining a full Redress and Remedy therein.

Anno 1 W. & M.
1689.

By which the
Prince and
Princess are
made King and
Queen.

' Having therefore an entire Confidence, that his said Highness the Prince of *Orange* will perfect the Deliverance so far advanc'd by him, and will still preserve them from the Violation of their *Rights*, which they have here asserted, and from all other Attempts upon their *Religion, Rights and Liberties*; the Lords *Spiritual and Temporal*, assembled at *Westminster*, do Resolve, That William and Mary, Prince and Princess of *Orange*, be, and be declared King and Queen of England, France and Ireland; and the Dominions thereunto belonging, to hold the Crown and Royal Dignity of the said Kingdoms and Dominions, to them the said Prince and Princess during their Lives, and the Life of the Survivor of them; and that the sole and full Exercise of the Regal Power be only in, and executed by the said Prince of *Orange*, in the Names of the said Prince and Princess during their joint Lives; and after their Decease the said Crown and Royal Dignity of the said Kingdoms and Dominions to be to the Heirs of the Body of the said Princess; and for Default of such Issue, to the Princess *Anne* of Denmark, and the Heirs of her Body; and for Default of such Issue, to the Heirs of the Body of the said Prince of *Orange*.'

The Oaths.

' And the said Lords *Spiritual and Temporal*; and Commons, do pray the said Prince and Princess of *Orange*, to accept the same accordingly: And that the Oaths hereafter mentioned be taken by all Persons of whom the Oaths of Allegiance and Supremacy might be required by Law, instead of them; and that the said Oaths of Allegiance and Supremacy be abrogated: I *A. B.* do sincerely promise and swear, That I will be faithful, and bear true Allegiance to their Majesties, King William and Queen Mary. So help me God. I *A. B.* do swear, That I do from my Heart abhor, detest and abjure, as impious and heretical, this damnable Doctrine and Position, That Princes excommunicated or depriv'd by the Pope, or any Authority of the See of Rome, may be depos'd or murder'd by their Subjects, or any other whatsoever. And I do declare, That no Foreign Prince, Person, Prelate, State or Potentate, hath or ought to have, any Jurisdiction, Power, Superiority, Pre-eminence, or Authority Ecclesiastical or *Spiritual*, within this Realm. So help me God.'

The Prince's
Answer to it.

After the public Reading of this Declaration, the Marquis of *Hallifax*, Speaker of the House of Lords, made a solemn Tender of the Crown to their Highnesses, in the Name of both Houses, the Representative of the Nation; whereupon the Prince of *Orange* return'd the following Answer: ' My Lords and Gentlemen, This is certainly the greatest Proof of the Trust you have in Us, that can be given, which is the Thing which makes Us value it the more;

more; and We thankfully accept what you have offer'd. Anno 1 W. & M.
 And as I had no other Intention in coming hither, than 1689.
 to preserve your Religion, Laws and Liberties; so you
 may be sure, that I shall endeavour to support them, and
 shall be willing to concur in any thing that shall be for
 the Good of the Kingdom, and to do all that is in my
 power to advance the Welfare and Glory of the Nation.

The Occasion being so remarkable and extraordinary, it will be necessary to insert the *Proclamation* itself, which runs thus: Whereas it hath pleased Almighty God in his great Mercy to this Kingdom, to vouchsafe us a miraculous Deliverance from Popery and Arbitrary Power; and that our Preservation is due, next under God, to the Resolution and Conduct of his Highness the Prince of Orange, whom God hath chosen to be the glorious Instrument of such an inestimable Happiness to us and our Posterity: And being highly sensible, and fully persuaded of the great and eminent Virtue of her Highness the Princess of Orange, whose Zeal for the Protestant Religion will, no doubt, bring a Blessing along with her upon this Nation: And whereas the Lords and Commons now assembled at Westminster, have made a Declaration, and presented the same to the said Prince and Princess of Orange, and therein desired them to accept the Crown, who have accepted the same accordingly: We therefore the Lords Spiritual and Temporal, and Commons, together with the Lord-Mayor and Citizens of London, and others of the Commons of this Realm, do with full Consent Publish and Proclaim, according to the said Declaration, WILLIAM and MARY, Prince and Princess of Orange, to be KING and QUEEN of England, France and Ireland, with all the Dominions and Territories therunto belonging; Who are accordingly so to be Own'd, Deem'd and Taken, by all the People of the aforesaid Realms and Dominions, who are from henceforth bound to acknowledge and pay unto them all Faith and true Allegiance; beseeching God, by whom Kings reign, to bless King WILLIAM and Queen MARY, with long and happy Years to reign over us.

William and
Mary, pro-
claimed King
and Queen.

The Declaration of the Estates of Scotland, concerning the Misgovernment of King James the seventh, and filling up the Throne with King William and Queen Mary.

THAT King James the seventh had acted irregularly,
 1. By his erecting public Schools and Societies of the
 Jesuits; and not only allowing Mass to be publicly said,
 but also inverting Protestant Chapels and Churches to public
 Mass.

Anno 1 W. & M. 1689. **Mas Houses, contrary to the express Laws against saying and hearing of Mas.**

2. By allowing Popish Books to be printed and dispersed, by a Gift to a Popish Printer, designing him Printer to his Majesty's Household, College, and Chapel, contrary to the Laws.

3. By taking the Children of Protestant Noblemen and Gentlemen, sending them abroad to be bred Papists, making great Funds and Donations to Popish Schools and Colleges abroad, bestowing Pensions on Priests, and perverting Protestants from their Religion, by Offers of Places, Preferments, and Pensions.

4. By disarming Protestants, while at the same time he employed Papists in the Places of the greatest Trust, Civil and Military, such as Chancellor, Secretaries, Privy-Counsellors, and Lords of Session; thrusting out Protestants to make room for Papists, and intrusting the Forts and Magazines of the Kingdom in their Hands.

5. By imposing Oaths contrary to law.

6. By giving Gifts and Grants for exacting of Money without Consent of Parliament, or Convention of Estates.

7. By Levying and keeping on foot a Standing-Army in Time of Peace, without Consent of Parliament; which Army did exact Locality, free and day Quarters.

8. By employing the Officers of the Army, as Judges through the Kingdom, and imposing them where there were held Offices and Jurisdictions, by whom many of the Lieges were put to death summarily, without legal Trial, Jury or Record.

9. By imposing exorbitant Fines, to the Value of the Parties Estates, exacting extravagant Bail, and disposing Fines and Forfeitures before any Process or Conviction.

10. By imprisoning Persons without expressing the Reason, and delaying to put them to Trial.

11. By causing pursue and forfault several Persons upon Stretches of old and obsolete Laws, upon frivolous and weak Pretences, upon lame and defective Probations: as particularly the late Earl of Argyle, to the Scandal and Reproach of the Justice of the Nation.

12. By subverting the Right of the Royal Boroughs, the third Estate of Parliament, imposing upon them not only Magistrates, but also the whole Town-Council and Clerks, contrary to the Liberties and Express Charters, without the Pretence either of Sentence, or Consent: So that the Commissioners to Parliament, being chosen by the Magistrates and Councils, the King might in effect as well nominate that entire Estate of Parliament; many of the said Magistrates put in by him were avowed Papists, and the Boroughs were forced

forced to pay Money for the Letters, imposing these illegal ~~sums~~ ^{1689.} Magistrates and Council upon them.

13. By sending Letters to the chief Courts of Justice, not only ordering the Judges to stop and desist *fine die*, to determine Causes, but also ordering and commanding them how to proceed in Cases depending before them, contrary to the express Laws: And by changing the nature of the Judges Gifts, *ad vitam aut culpam*, and giving them Commissions *ad bene placitum*, to dispose them to compliance by arbitrary Courts, turning them out of their Offices when they did not comply.

14. By granting personal Protections for civil Debts, contrary to Law.

All which are utterly and directly contrary to the known Laws, Freedoms, and Statutes of the Realm.

Therefore the Estates of the Kingdom of Scotland find, and declare, that King James the Seventh, being a profest Papist, did assume the regal Power, and acted as a King, without ever taking the Oath required by Law; and has, by Advice of evil and wicked Counsellors, invaded the fundamental Constitution of the Kingdom, and altered it from a legal, limited Monarchy, to an arbitrary and despotic Power; and hath exercised the same to the subversion of the Protestant Religion, and the Violation of the Laws and Liberties of the Kingdom: Inverting all the Ends of Government, whereby he hath forfeited the Right to the Crown, and the Throne is become vacant.

And whereas his Royal Highness William, then Prince of Orange, now King of England, whom it hath pleased the Almighty God to make the glorious Instrument of delivering these Kingdoms from Popery and arbitrary Power, did, by Advice of several Lords and Gentlemen of this Nation, at London, for the Time, call the Estates of this Kingdom, to meet the 14th of March last, in order to such an Establishment, as that their Religion, Laws, and Liberties, might not be again in danger of being subverted: And the said Estates being now assembled, in a full and free Representative of this Nation, taking into their most serious Consideration the best Means of attaining the Ends aforesaid, do in the first place (as their Ancestors in the like Cases have usually done, for the vindicating and asserting their ancient Rights and Liberties) declare,

That by the Law of this Kingdom, no Papist can be King or Queen of this Realm, nor bear any Office whatsoever therein; nor can any Protestant Successor exercise the regal Power, until he or she swear the Coronation Oath.

That all Proclamations asserting an absolute Power, to make, annul, and disable Laws; the erecting Schools and Colleges

Ann. 1 W. & M.
1689.

Colleges for Jesuits; the inverting Protestant Chapels and Churches to public Mass-houses, and the allowing Mass to be said, are contrary to Law.

‘ That the allowing Popish Books to be printed and dispersed, is contrary to Law.

‘ That taking the Children of Noblemen, Gentlemen, and others, sending and keeping them abroad to be bred Papists: The making Funds and Donations to Popish Schools and Colleges; bestowing Pensions on Priests, and the perverting Protestants from their Religion, by Offers of Places, Preferments, and Pensions, are contrary to Law.

‘ That the disarming Protestants, and employing Papists in the Places of greatest Trust, both Civil and Military; the thrusting out Protestants, to make room for Papists, and entrusting Papists with the Forts and Magazines of the Kingdom, are contrary to Law.

‘ That the imposing Oaths without Authority of Parliament, is contrary to Law.

‘ That the giving Gifts or Grants for raising of Money without the Consent of Parliament, or Convention of Estates, is contrary to Law.

‘ That the employing Officers of the Army, as Judges through the Kingdom, or imposing them where there were several Offices and Jurisdictions, and the putting the Lieges to death summarily, and without legal Trial, Jury, or Record, are contrary to Law.

‘ That the imposing extraordinary Fines, the exacting of exorbitant Bail, and the disposing of Fines and Fore-faultures before Sentence, are contrary to Law.

‘ That the imprisoning Persons without expressing the Reason thereof, and delaying to put them to Trial, are contrary to Law.

‘ That the causing pursue and fore-fault persons upon stretches of old and obsolete Laws, upon frivolous and weak Pretences, upon lame and defective Probation, as particularly the late Earl of Argyle, are contrary to Law.

‘ That the nominating and imposing Magistrates, Councils and Clerks, upon Burghs, contrary to the Liberties and express Charters, is contrary to Law.

‘ That the sending Letters to the Courts of Justice, ordaining the Judges to stop or desist from determining Causes, or ordaining them how to proceed in Causes depending before them; and the changing the nature of the Judges Gifts, *ad vitam aut culpam*, unto Commissioners, *durante bene placito*, are contrary to Law.

‘ That the granting personal Protections for civil Debts, is contrary to Law.

‘ That

‘ That the forcing the Lieges to depone against themselves in capital Crimes, however the Punishment be restricted, is contrary to Law. Anno 1 W. & M. 1689.

‘ That the using Torture without Evidence, or in ordinary Crimes, is contrary to Law.

‘ That the sending of an Army in a hostile manner upon any part of the Kingdom, in a peaceable Time, and exacting of Locality, and any manner of free Quarter, is contrary to Law.

‘ That the charging the Lieges with Law-boroughs at the King’s Instance, and the imposing of Bands without the Authority of Parliament, and the suspending the Advocates from their Employments for not comparing when such Bands were offered, are contrary to Law.

‘ That the putting of Garrisons on private Men’s Houses in a time of Peace, without the Consent of the Authority of Parliament, is contrary to Law.

‘ That the Opinion of the Lords of Session in the two Causes following, were contrary to Law; *viz.*

1. That the concerning the Demand of a Supply for a forfeited Person, although not given, is Treason.

2. That Persons refusing to discover what are their private Thoughts and Judgments in relation to Points of Treason, or other Men’s Actions, are guilty of Treason.

‘ That the fining Husbands for their Wives withdrawing from the Church, was contrary to Law.

‘ That Prelacy, and Superiority of any Office in the Church above Presbyters, is and hath been a great and unsupportable Grievance and Trouble to this Nation, and contrary to the Inclinations of the Generality of the People ever since the Reformation (they having reformed from Popery by Presbyters) and therefore ought to be abolished.

‘ That it is the Right and Privilege of the Subjects to protest for Remand of Law to the King and Parliament, against Sentences pronounced by the Lords of Session, providing the same do not stop Execution of the said Sentences.

‘ That it is the Right of the Subjects to petition the King, and that all Imprisonments and Prosecutions for such Petitions are contrary to Law.

‘ That for Redress of all Grievances, and for amending, strengthening, and preserving of the Laws, Parliaments ought to be frequently called and allowed to sit, and the Freedom of Speech and Debate secured to the Members.

‘ And they do claim, and demand, and insist upon all and sundry the Premises, as their undoubted Rights and Liberties, and that no Declarations, Doings, or Proceedings, to the prejudice of the People in any of the said Premises, ought

Anno 1701. &c. ought in any ways to be drawn hereafter in Consequence and Example; but that all Forfeitures, Fines, Loss of Offices, Imprisonments, Banishments, Pursuits, Persecutions, and rigorous Executions be considered, and the Parties seized be redressed.

To which Demand of their Rights, and Redressing of their Grievances, they are particularly encouraged by His Majesty the King of England his Declaration for the Kingdom of Scotland, of the day of October last, as being the only Means for obtaining a full Redress and Remedy therein.

Having therefore an entire Confidence, that his said Majesty the King of England, will perfect the Deliverance so far advanced by him, and will still preserve them from the Violation of the Rights which they have here asserted, and from all other Attempts upon their Religion, Laws, and Liberties:

The said Estates of the Kingdom of Scotland do resolve, That William and Mary, King and Queen of England, France, and Ireland, be, and be declared King and Queen of Scotland; to hold the Crown and Royal Dignity of the said Kingdom of Scotland, to them the said King and Queen during their Lives, and the longest Liver of them: And that the sole and full Exercise of the Royal Power, be only in, and exercised by him the said King, in the Names of the said King and Queen, during their joint Lives: And after their Deceases, the said Crown and Royal Dignity of the said Kingdom, to be to the Heirs of the Body of the said Queen. Which failing, to Princess Anne of Denmark, and the Heirs of her Body: Which also failing, to the Heirs of the Body of the said William, King of England.

And they do pray the said King and Queen of England, to accept the same accordingly.

And that the Oath hereafter mentioned be taken by all Protestants, of whom the Oath of Allegiance, and any other Oaths and Declarations might be required by Law, instead thereof: And that the said Oath of Allegiance, and other Oaths and Declarations may be abrogated.

I A. B. do sincerely promise and swear, That I will be faithful, and bear true Allegiance to their Majesties King William and Queen Mary.

So help me G O D.

A Proclamation declaring William and Mary King and Queen of England, to be King and Queen of Scotland.

Edinburgh, April 11. 1689.

WHEREAS the Estates of this Kingdom of Scotland, by their Act of the Date of these Presents, have resolved that William and Mary, King and Queen of England,

England, France, and Ireland, be, and be declared, King and Queen of Scotland, to hold the Crown and Royal Dignity of the said Kingdom of Scotland, to them the said King and Queen, during their Lives, and the longest Liver of them: And that the sole and full Exercise of the regal Power, be only in, and exercised by the said King in the Names of the said King and Queen, during their joint Lives. As also the Estates having resolved and enacted an Instrument of Government, or Claim of Right, to be presented with the Offer of the Crown, to the said King and Queen, they do statute and ordain, That William and Mary King and Queen of England, France, and Ireland, be accordingly forthwith proclaimed King and Queen of Scotland, at the Market-Cross of Edinburgh, by the Lion King at Arms, or his Deputies, his Brethren Heralds, Macers, and Purfevants, and at the head Burghs of all the Shires, Stewarties, Bailliaries, and Regalities within the Kingdom, by Messengers at Arms. Extracted forth of the Meeting of the Estates, by me,

Anno 1 W. & M.
1689.

JAMES DALRYMPLE, Clerk.

GOD Save King WILLIAM and Queen MARY.

The Manner of the King and Queen taking the Scottish Coronation Oath.

May 11, 1689.

THIS Day being appointed for the public Reception of the Commissioners, viz. The Earl of Argyle, Sir James Montgomery of Skelmerly, and Sir John Dalrymple of Stair younger, who were sent by the Meeting of the Estates of Scotland, with an Offer of the Crown of that Kingdom to their Majesties, they accordingly, at three of the Clock, met at the Council-Chamber, and from thence were conducted by Sir Charles Cotterel, Master of the Ceremonies, attended by most of the Nobility and Gentry of that Kingdom, who reside in and about this Place, to the Banqueting-House; where the King and Queen came attended by many Persons of Quality, the Sword being carried before them by the Lord Cardross, (and their Majesties being placed on the Throne under a rich Canopy) they first presented a Letter from the Estates to His Majesty; then the Instrument of Government; *Thirdly*, a Paper containing the Grievances, which they desired might be redressed; and lastly, an Address to His Majesty for turning the Meeting of the said Estates into a Parliament: All which being signified by his Grace the Duke of Hamilton, as President of the

TOMB II.

M m

Meeting,

Anno 1 W.&M. Meeting, and read to their Majesties, the King returned to the Commissioners the following Answer.

1689.

‘ **W**HEN I engaged in this Undertaking, I had particular Regard and Consideration for Scotland, and therefore I did emit a Declaration in relation to that as well as to this Kingdom, which I intend to make good and effectual to them: I take it very kindly that Scotland hath expressed so much Confidence in, and Affection to me: They shall find me willing to assist them in every thing that concerns the Weal and Interest of that Kingdom, by making what Laws shall be necessary for the security of their Religion, Property, and Liberty, and to ease them of what may be justly grievous to them.’

After, which the Coronation-Oath was tendered to their Majesties, which the Earl of Argyle spoke Word by Word directly, and the King and Queen repeated it after him, holding their right Hands up after the manner of taking Oaths in Scotland.

The Meeting of the Estates in Scotland did authorize their Commissioners to represent to His Majesty, that that Clause in the Oath, in relation to the rooting out of Heretics, did not import the destroying of Heretics; and that by the Law of Scotland, no Man was to be prosecuted for his private Opinion; and even obstinate and convicted Heretics were only to be denounced Rebels or out-lawed, whereby their moveable Estates are confiscated. His Majesty, at the repeating that Clause in the Oath, ‘ did declare, that he did not mean by these words, that he was under any Obligation to become a Persecutor.’ To which the Commissioners made answer, ‘ That neither the Meaning of the Oath, nor the Law of Scotland did import it.’ Then the King replied, ‘ That he took the Oath in that sense, and called for Witnesses, the Commissioners, and others present.’ And then both their Majesties signed the said Coronation-Oath.

After which the Commissioners, and several of the Scottish Nobility, kissed their Majesties Hands.

The Coronation-Oath of England.

The Arch-Bishop or Bishop shall say,

‘ Will you solemnly promise and swear to govern the People of this Kingdom of England, and the Dominions thereto belonging according to the Statutes in Parliament agreed on, and the Laws and Customs of the same?’

The King and Queen shall say.

‘ I solemnly promise so to do.’

Arch-

Arch-Bishop or Bishop.

' Will you, to your Power, cause Law and Justice in
Mercy to be executed in all your Judgments ?'
King and Queen.

Anno 1 W. & M.
1689.

' I will.'

Arch-Bishop or Bishop.

' Will you, to the utmost of your Power, maintain the
Laws of God, the true Profession of the Gospel, and the
Protestant reformed Religion, established by Law ? And
will you preserve, unto the Bishops and Clergy of this
Realm, and to the Churches committed to their Charge, all
such Rights and Privileges as by Law do or shall appertain
unto them, or any of them ?'

King and Queen.

' All this I promise to do.'

(After this, the King and Queen laying His and Her
Hand upon the Holy Gospels, shall say)

King and Queen.

' The things which I have here before promised, I will
perform and keep.'

Sa help me GOD.

(Then the King and Queen shall kiss the Book.)

The Coronation-Oath of Scotland.

' **W**E William and Mary, King and Queen of Scot-
land, faithfully promise and swear, by this our
solemn Oath, in presence of the Eternal God, that during
the whole Course of our Life we will serve the same Eter-
nal God, to the uttermost of our Power, according as he
has required in his most Holy Word, revealed and contain-
ed in the New and Old Testament ; and according to the
same Word shall maintain the true Religion of Christ Jesus,
the preaching of his Holy Word, and the due and right
Ministration of the Sacraments, now received and preach-
ed within the Realm of Scotland ; and shall abolish and
gainstand all false Religion contrary to the same, and shall
rule the People committed to our Charge, according to
the Will and Command of God, revealed in his aforesaid
Word, and according to the laudable Laws and Constitu-
tions received in this Realm, no ways repugnant to the
said Word of the Eternal God ; and shall procure, to the
utmost of our power, to the Kirk of God, and whole
Christian People, true and perfect Peace in all time com-
ing. That we shall preserve and keep inviolated the
Rights and Rents, with all just Privileges of the Crown
of Scotland, neither shall we transfer nor alienate the
same ; that we shall forbid and repress in all Estates and
Degrees, Reif, Oppression and all kind of Wrong. And

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1689.

we shall command and procure, that Justice and Equity in all Judgments be kept to all Persons without exception, as the Lord and Father of all Mercies shall be merciful to us. And we shall be careful to root out all Heretics and Enemies to the true Worship of God, that shall be convicted by the true Kirk of God, of the aforesaid Crimes, out of our Lands and Empire of Scotland. And we faithfully affirm the Things above-written by our solemn Oath.

Feb. the 18th, the King having taken possession of the Throne, made the following Speech to both Houses:

The King's
Speech to both
Houses.

My Lords and Gentlemen,
I Have lately told you how sensible I am of your Kindness, and how much I value the Confidence you have reposed in me. And I am come hither to assure you, that I shall never do any thing that may justly lessen your good Opinion of me.

I think it necessary to acquaint you, That the Condition of our Allies abroad, and particularly that of Holland is such, that unless some speedy care be taken of them, they run a greater hazard than you would have them exposed to.

You yourselves must be sensible, that the Posture of Affairs here require your serious Consideration, and that a good Settlement at home is necessary, not only for your own Peace, but for the Support of the Protestant Interest, both here and abroad.

And particularly the State of Ireland is such, that the Dangers are grown too great, to be obviated by any slow Methods.

I must leave it to you to consider of the most effectual ways of preventing the Inconveniences which may arise by delays, and to judge what Forms may be most proper to bring those things to pass for the good of the Nation, which I am confident are in all your Minds, and which on my part shall be always ready to promote.

Sir H. Capel.

The 20th, Sir Henry Capel acquainted the House that he and the rest of the Members who were Privy Counsellors, having waited on his Majesty with the Thanks of the House for his gracious Speech, his Majesty was pleased to reply,

The King's
Answer to the
Address of
Thanks.

That he was very glad whenever he said any thing that was to the Satisfaction of the House: That he would endeavour to do so always, and did desire that this House would hasten those things, which he had mentioned in his Speech.

The

The same day, the House having resolved into a Committee, the following Question was stated from the Chair, viz. Whether a King, elected and declar'd by the Lords Spiritual and Temporal, and Commons assembled at Westminster, Jan. 22. 1688. coming to and consulting with the said Lords and Commons, did not make as complete a Parliament, as if the said King should cause new Summons to be given out, and new Elections to be made by Writs: And after a warm Debate, in which Sir Edward Seymour, Sir Christopher Masgrave, Sir Thomas Clarges and Heneage Finch maintained the negative; the House resolv'd, That the Lords Spiritual and Temporal, and Commons, now sitting at Westminster, are the two Houses of Parliament.

Anno. 1688.
The Convention voted a Parliament.

The 22d, Sir Robert Howard, Auditor of the Exchequer, delivered to the House, according to Order, an Account of such Sums of Money as had been paid out of the Exchequer to Mr. Grahme and Mr. Burton for Prosecution of Law-Suits; which from May 31, 1679, to Nov. 10, 1688, amounted to 47887 *l.* 14*s.*

Sir Robert Howard's Report of Money to Grahme and Burton.

The same Day an engrossed Bill from the Lords, for removing and preventing all Questions and Disputes concerning the assembling and sitting of this present Parliament, was passed with some Amendments.

A Bill to prevent Disputes concerning the Convention Parliament.

The 25th, a Motion being made that a special Committee be appointed to consider of the Violation of the Liberties and Franchises of all the Corporations of the Kingdom, especially the City of London; the House divided on the previous Question, and it passed in the Negative, Yeas 121, Noes 145.

A Motion relating to the Liberties of Corporations over-ruled.

The 26th, the Question was put, whether the Revenue was expir'd by the Vacancy of the Throne, or whether it was devolv'd on their Majesties; and it passed in the Affirmative for the Expiration.

Revenue voted expired.

The 27th, his Majesty by Message acquainted the House, That the late King James was sail'd with French Troops from Brest, in order to land in Ireland. Upon which it was resolv'd *nem. con.* That the House will stand by, and assist the King with their Lives and Fortunes, in supporting his Alliances abroad, in reducing of Ireland, and in Defence of the Protestant Religion and Laws of the Kingdom. To which, the next day, they desir'd the Concurrency of the Lords; and afterwards presented to his Majesty in the Form of an Address.

Resolve to stand by the King, &c.

The 28th, Resolv'd, That a present Aid be given to his Majesty, not exceeding the Sum of 420000 *l.*

A present Supply voted.

And that the said Aid be levied by a Monthly Assessment for six Months, at the Rate of 68820 *l.* 19*s.* 1*d.* per Month.

Marsh

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1689.

State of the Re-
venue delivered
in by Sir Robert
Howard.

March 1. Sir Robert Howard deliver'd in, according to Order, a State of the Yearly Value of the several Branches of the Revenue, which was as follows:

	<i>l.</i>	<i>s.</i>	<i>d.</i>
The old Customs on a Medium of 4 Years, from 1685 to 1688 —————	517507	12	10½
The Duties late in the Wood-Farm, Coal-Farm, and the Grant of the French Tonnage, all newly expir'd —	19500	00	00
The 4½ per Cent. Rent of the Log-wood-Farm, and Seizures of un- customed and prohibited Goods —	12119	4	4
The Excise on a Medium of 4 Years —	610486	10	9
The Hearth-Money per Ann. about —	200000	00	00
The Post-Office per Ann. about —	55000	00	00
The small Branches, about —	26350	00	00
The new Impositions on Wine and Vi- negar granted for 8 Years to come, 4 Years and ½ from Christmas last, and ending June 24, 1695 —	172901	10	8½
Tobacco and Sugar —	148861	8	00
French Linnens, Brandy, Silks, &c. —	93710	8	1½
	1858436	14	9½

[The two last Branches charg'd with a Loan of 84888 *l.* 6*s.* 9*d.* to be paid with Interest in the Course of the Register, as the Money comes in.]

King's Message
relating to
Hearth-Money.

The same day, the King sent the following Message to the House:

' WILLIAM R. His Majesty having been inform'd that the Revenue of the Hearth-Money is very grievous to the People, is therefore willing to agree either to a Regulation of it, or to the taking it wholly away, as this House shall think most convenient; and, as in this, his Majesty doth consider the Ease of the Subject, so he doth not doubt but you will be careful of the Support of the Crown.'

Resolved nem. con. That the humble Thanks of this House be given to his Majesty, for his most gracious Message; and that an Address of Thanks be prepared accordingly.

A second Mes-
sage by Mr.
Hampden.

Mr. Hampden * acquainted the House, That he had a Message from his Majesty, ' That his Majesty hath had credible Information, that there are several Persons in and about this Town, that keep private Meetings and Cabals to conspire against the Government, and for the Assistance of the

* *Privy-Counsellor and Commissioner of the Treasury; afterwards Chancellor of the Exchequer.*

the late King James. That his Majesty has caus'd some of these Persons to be already apprehended and secur'd, upon Suspicion of High-Treason, and that he thinks he may see cause so to do by others, within a little Time: But that his Majesty is between two great Difficulties in this Case; for that, if he should set those Persons at liberty that are apprehended, he would be wanting in his own Safety, and the Safety of his Government and People: On the other hand, if he should detain them, he is unwilling to do any Thing, but what shall be fully warranted by Law, which he has so often declar'd he will preserve: And that, therefore, if those Persons should deliver themselves by the *Act of Habeas Corpus*, there would be another Difficulty. That his Majesty is likewise unwilling that excessive Bail should be taken in this Case; his Majesty remembering that to be one Article of the Grievances presented to him. That ordinary Bail will not be sufficient, for Men that carry on such Designs, who, in Hopes of succeeding, will not stick at forfeiting a small Sum: And that this falling out, when the Parliament is sitting, his Majesty, therefore, thought fit, to ask the Advice of the House therein, and intends to advise with the Lords also.

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Resolved, nem. con. That the humble Thanks of this House be return'd to his Majesty for his most gracious Message, in desiring the Advice of this House. And that a temporary Bill be brought in, to empower his Majesty to apprehend, and detain all such Persons as he shall have just Cause to suspect are conspiring against the Government.

A Bill to
suspend the Habeas
Corpus
Act.

The same day, the Lords sent down an Address, in which they advis'd and desir'd the King to secure suspected Persons, till the first Day of Term, for the Concurrence of the House; as, likewise, signify'd by Message, That they had enter'd in their Journals, a like Vote with that of the Commons, relating to the standing by the King, &c. with their Lives and Fortunes.

The 4th, *The Temporary Bill for suspending the Habeas Corpus Act*, being read; an Amendment was propos'd, That that present Act shall continue till the 17th of April, and no longer, and agreed to. But a second in these Words (*and is never to be drawn into Precedent or Example hereafter*) was rejected.

Amendments to
the Bill for sus-
pending the Habeas
Corpus
Act.

A Clause was then offer'd by way of Addition to the said Bill, which provided, That the Expences and Fees of all Persons so committed, should be defray'd by the Public: which was likewise over-ruled.

After which a Proviso being first inserted, That the said Act should not any way affect the Privileges of Parliament,

Made 1st W. 2^d M.
1689.

Sir Joseph Tredenham's Report from the Committee of Grievances.

or the Persons of the Members, till the Matter of Suspicion be first communicated to the House; the Bill was passed.

The 5th, Sir Joseph Tredenham reported from the Committee of Grievances, as follows:

1. *Resolved*, That it is the Opinion of this Committee, That the Rights of the City of London, in the Election of Sheriffs in the Year 1682, were invaded, and that such Invasion was illegal, and a Grievance.

2. *Resolved, nem. con.* That the Judgment given upon the *Quo Warranto*, against the City of London, is a Grievance.

3. *Resolved, nem. con.* That the late Prosecutions of *Quo Warranto's* against the other Cities, Two Universities, the Towns-Corporate, Boroughs, Cinque-Ports, and Plantations, and the Judgments thereon, and the Surrender of Charters, to the Violation of their antient Rights, are illegal, and Grievances.

4. *Resolved*, That the Commissions and Instructions for regulating Corporations, and putting Tests in order to electing Members for Parliament, are illegal, and Grievances.

5. That the promising of Votes to take off the penal Laws, and Tests; is a Violation of the Rights of Parliament, and a Grievance.

6. That the Collecting the Customs, and part of the Excise, between the Death of King Charles II. when their Duties were determin'd; and the Parliament that was call'd afterwards, was illegal, and a Grievance.

7. That the levying Money, otherwise than the Law allows, and the disarming of Protestants, and the quartering of Soldiers, the pressing of Horses and Carriages, contrary to Law, are Grievances.

8. That the House be moved to appoint a particular Committee, to examine into the Matters aforesaid, and who were the Authors and Advisers thereof.

To every Particular of which the House agreed, and a Committee was appointed accordingly.

The 6th, Mr. Speaker acquainted the House with his Majesty's Answer to their Address of Thanks, relating to the Hearth-Money, which was as follows.

I am glad I have done what is so acceptable to you; I shall always be ready to do any thing that may be for the Ease of the Subject, as well as for the Safety and Glory of the Kingdom.

The 8th, Mr. Speaker read his Majesty's * Answer to the Address of both Houses, declaring they would stand by him, &c.

* According to Mr. Oldmixon, drawn up in Concert with the said Speaker.

The King's Answer to an Address of Thanks.

Gr. with their Lives and Fortunes, which was contained in Anno 1 W. & M.
these Words: 1689.

' My Lords and Gentlemen, If any thing could add to the Esteem and Affection I have for Parliaments and particularly for this, they would be much encreased by the Kindness you shew to me, and the Zeal you express for the Public Good in the Address you have made, which in the Matter, as well as the Manner, hath every thing in it that ought to recommend it to me.

' I assure you I will never abuse the Confidence that you shall put in me; being fully persuaded that there is no sure Foundation of a good Agreement between a King and his People but a mutual Trust: When that is once broken, a Government is half dissolved: It shall, therefore, be my chief Care never to give any Parliament cause to distrust me; and the best Method I can use for that Purpose is never to expect any thing from them, but that which shall be their own Interest to grant.

' I came hither for the good of the Kingdom, and, since it is your Desire that I am in this Station, I shall pursue the same Ends that brought me.

' God hath been pleased to make me instrumental to redeem you from the Ills you fear'd, and it is still my Desire, as well as my Duty to preserve your Religion, Laws, and Liberties, which were the only Inducements that brought me into England, and to these I ascribe the Blessings that have attended this Undertaking.

' When I spoke last to you, I told you of the Necessity of assisting our Allies, and more especially the States of Holland, whose readiness to relieve you, at their too great Hazard and Expence, from the Extremities you lay under, needs no other Argument to move you to the Consideration of it.

' As I was then a Witness of their Zeal and Affection to promote the Expedition, and second my Endeavours, even with a Neglect of their own Safety; so I am now sensible of the inevitable Ruin they have drawn upon themselves, by giving you this Assistance, if you should not return it to them.

' They have really exhausted themselves to such a degree both as to Men and Money, that it is not easily to be imagin'd, and I am confident your Generosity will have as little Bounds towards them, as theirs had towards you: And that you will not only enable me to make good the Treaty with them, and repay what they have actually laid out upon this Occasion, of which an Account shall be given to you. But that you will farther support them to the utmost of your Ability against the power of their Enemies, who must be yours too, by their Interest and their Religion, and do certainly design the Ruin of Holland to be a step to your Destruction.

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1689.



' I need not take pains to tell you the deplorable Condition of Ireland, which by the Zeal and Violence of the Popish Party there, and by the Assistance and Encouragement they have from France, is brought to that pass, that it is not advisable to attempt the reducing it, otherwise than by a very considerable Force, which I think ought not to be less than 20000 Horse and Foot; which by the Blessing of God, will make the Work shorter, and in consequence, the Charge easier, tho' the first Expence must, of necessity, be great.

' You must consider that, towards the more speedy and effectual Success in relation to Ireland, as well as with a Regard to France, there must be such a Fleet, as may, in conjunction with that of the States, make us entirely Masters of the Sea that nothing can be sent from France either to Ireland, or any where else, that may give Disturbances to us, or our Allies.

' I must also recommend the Consideration of the Revenue to you, that it may be so settled, as that it may be collected without Dispute.

' My Lords and Gentlemen, These Things will amount to a great Sum, and must of consequence be a present Weight upon the People; but, considering that neither your Religion, nor your Safety, can probably be secur'd without these Means, I conclude you will think nothing can be too great a Price for their Preservation: And I will engage my solemn Word to you, that whatever you shall give in order to these public Ends shall be strictly apply'd to them; and that as you so freely offer to hazard all that is dear to you, so I shall as freely expose myself for the Support of the Protestant Religion, and the Safety and Honour of the Nation.'

Motion for
printing the
Votes overrul'd.

The 9th, A Motion being made for printing the Votes, a Debate ensued, and the previous Question being put, the House divided, and it passed in the Negative. Yeas 145. Noes 180.

A Bill voted to
apply certain
former Grants
of Money.

The 11th, It was resolved that Leave be given to bring in a Bill that all those Branches of the Revenue, which were due and payable by Law, in the Reigns of King Charles II. and James II. be collected to the Use and Service of the Crown, till June 24. 1689. as by Law they might have been in either of those Reigns; and that a Clause be added, to indemnify such as have already received Sums so due on the said Branches of the Revenue, &c.

The 13th, the Members for London, together with the Recorder and Sheriffs, waited upon the House with an Address, which was read to the House by Sir Humphrey Edwin, the senior Sheriff, and is as follows:

City Address to
the Commons.

' We the Lord-Mayor, &c. in Common Council assembled, presume to address ourselves to this Honourable House with

with our most humble Thanks for your most excellent Conduct of Affairs in this great Exigency and Extremity, when our Lives, our Religion and our Estates were so imminently threatened; and especially for your Address to his Majesty of the 5th Instant, declaring your Resolution to assist and stand by his Majesty in supporting his Allies abroad, in reducing Ireland and in Defence of the Protestant Religion and Laws of this Kingdom.

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1689.

For which Address the Speaker return'd the Thanks of the House, according to order, as follows:

Gentlemen, The House hath considered of the Address **These Thanks** you have presented from the City of London, and have commanded me to return you this Answer: That they have taken notice of the most eminent Courage and Constancy the City hath shewed in the late Revolution, and the Services they have done the whole Kingdom on this occasion, and particularly the advancing so considerable a Sum of Money as was lent by you to his Majesty upon his first coming hither, at the time when the Condition of the Affairs of this Kingdom did first require it.

I am farther commanded to tell you, that This House doth accept of your Address with great Kindness, and do give you their hearty Thanks for the same, with this farther Assurance, that your Care for the Public shall never fail of receiving from them the like Returns.

After which both the Address and the Speaker's Answer were ordered to be printed.

The 14th, the Committee to whom the Consideration of his Majesty's Speech was refered, deliver'd at the Clerk's Table an Account of the Charges laid out by the Dutch in the late Expedition to England, which, as to general Heads, is as follows.

* 1.	
The Charges of the Fleet	2,288,464 00 0
Pay, &c.	189,616 00 0
Loss of two Ships	59,500 00 0
Provisions for the Horse, &c.	186,000 00 0
Freight of the Merchant-Ships, &c.	1,245,900 00 0
Wrecks of several	60,000 00 0
Provisions when the Fleet was drove back	175,000 00 0
Artillery, small Arms, &c.	
Freight of Fishing-Boats for Landing the	} 47,888 00 0
Foot, Loss of six, &c.	
Pay to General Officers of all Sorts.	1,615,989 6 8
Charges of the Artillery, Hospital, &c.	85,612 19 8

Carried over 5,953,070 6 4
Brought

* On the Face of that Account, it appears to be drawn for so much Sterling; but by the exorbitant Sum-total, and the Allowance afterwards made by Parliament for its Discharge, we must conclude it to be Guilders.

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1689.

	l.
Brought over	5,953,070 06 4
French Protestant Officers	77,346 00 0
Freight of Boats	66,960 00 0
Quarters	89,624 02 5
Carts and Waggon	169,911 00 0
Horses to make good the Loss in the Storm	81,264 00 0
Levy-Money, and other Incidents	250,000 00 0
Payment of the Horse and Dragoons	391,420 12 6
Foot	531,205 14 8
Subsidies to several Princes	1,100,000 00 0
Total	7,301,322 01 8

Advice given
that certain
Troops were in
Mutiny.

The 15th, Mr. * Harbord having acquainted the House that 800 Men of Monsieur Schomberg's Regiment that were ordered to the Sea-side to be embark'd, had mutiny'd at Ipswich, seiz'd on the Money for the Pay of the said Regiment, disarm'd their Officers, and had declar'd for the late King James:

Vote for an Address thereupon.

Resolved nem. con. 'That an Address be presented to his Majesty to desire him to take effectual care to suppress the Soldiers that are now in Rebellion, and to issue his Proclamation to declare them, and all that adhere to them to be Rebels and Traitors.' And the same day, the said Address being drawn and approved of, was, together with the Concurrence of the Lords presented to the King at Hampton-Court; who was pleased to return the following Answer:

His Majesty's Answer.

'That he should be very ready and careful to give such Orders, as the Lords and Commons should desire; and that he had already appointed three Regiments of Dragoons, with Orders to stop them and bring them to their Duty; and, if they will not submit, to fall upon them: And that he would (and did) send immediate Directions to his Attorney-General, to prepare a Proclamation, according to the Desire of both Houses, in the Address.'

600,000 l. voted to reimburse the Dutch.

The same day likewise, the House resolved *nem. con.* That a Supply, not exceeding 600,000 l. be given his Majesty, to enable him to defray the Charges laid out by the Dutch, in the Expedition for England.

Lord Russell's Attainder reversed.

The 16th, the Lords signified to the House by Message, that they agreed to the Amendments made by the Commons to the Bill for reversing the Attainder of Lord Russell.

Vote to restore Bodies politic to their Liberties.

The same day the House agreed with the Committee of Grievances, that a Bill, or Bills, be brought in to restore all Bodies politic and corporate, in England, Wales, Berwick, New England, &c. to the State and Condition they were

* Privy Counsellor.

were in May 29, 1660, and to confirm the Liberties and Franchises, which, at that Time, they respectively held and enjoy'd.

After which the House being commanded to attend the King in the House of Peers, his Majesty gave the Royal Assent to *The Bill for suspending the Habeas Corpus Act, and that to Annul the Attainder of Lord Russell*: And made the following Speech to both Houses:

Apoc. & M.
1689.

The Bill to suspend the Habeas Corpus Act, and that to annul Lord Russell's Attainder, passed.

My Lords, and Gentlemen,

NOW I have the Occasion of coming hither to pass these Bills, I shall put you in mind of one thing, which will conduce much to our Settlement, as a Settlement will to the Disappointment of our Enemies. I am with all the Expedition I can, filling up the Vacancies that are in Offices and Places of Trust, by this Revolution. I hope you are sensible there is a Necessity of some Law to settle the Oaths to be taken by all Persons to be admitted to such Places. I recommend it to your Care to make a speedy Provision for it: And as I doubt not but you will sufficiently provide against Papists, so, I hope, you will leave room for the Admission of all Protestants that are willing and able to serve. This Conjunction in my Service, will tend to the better waiting you among yourselves, and the strengthening you against your Common Adversaries.

The King's Speech to both Houses, in favour of Dissenters.

The 20th, Colonel Birch deliver'd to the House, according to Order, an Abstract of the Gross and Nett Produce of the Excise of England and Wales, for the last four Years, ending June 24, 1688.

Account of the Produce of the Excise.

	l.	s.	d.
Gross Excise of Beer, Ale, Cyder, Metheglyn, Strong - Waters, Coffee, &c. —————	627528	18	8½
Gross Excise of Brandy, Mum, and Cyder imported —————	48491	4	8½
	676020	2	4½
Per contra			
Charges of Management —————	86263	11	4½
Exported Beer, &c. —————	1138	11	5½
Arrears —————	3721	5	4½
Nett Produce —————	584896	14	5½

1686

Memo: W. & M.
1689.

		l.	s.	d.
1686	Gross Excise of Beer, Ale, &c. ———	638993	11	9½
	— of Brandy, Mum, &c. ———	33741	3	10½
		672734	15	8½
	<i>Per contra</i>			
	Charge of Management ———	85852	14	6
	Beer, &c. exported ———	620	16	½
	Arrears ———	2128	2	3½
		88601	13	10½
	Nett Produce ———	584133	2	10½
1687	Gross Excise of Beer, &c. ———	676866	10	7½
	— of Brandy, &c. ———	41385	10	2
		718252	0	9½
	<i>Per contra</i>			
	Charge of Management ———	87139	2	11½
	Allowance for Over-charge ———	5	4	2½
	Arrears ———	5216	11	11½
		92360	17	2½
	Nett Produce ———	625891	3	7½
1688	Gross Excise of Beer, &c. ———	682172	9	3½
	— of Brandy, &c. ———	50146	9	1
		732318	18	4½
	<i>Per contra</i>			
	Charge of Management ———	88639	15	9½
	Allowance for Over-charge ———	30	4	10½
	Arrears ———	7290	4	11½
		95960	3	7½
	Nett Produce ———	636358	14	8½

Account of the
additional Ex-
cise.

Memorandum. The additional Duty upon Brandy, Strong-
Waters, &c. began July 1, 1685, and is not included in
the Account above.

Account of the said additional Duty.

1686	Gross Produce of the additional	} 27949	13	11
	Excise on Brandy, &c. imported			
	— of the same on Home-made	} 7583	7	7½
	Strong-Waters ———			
	Carried over	35533	1	6½
				Brought

(287)

		l.	s.	d.	Ann. 17. and 1689.
	Brought over	35533	1	6 $\frac{1}{2}$	
	<i>Per contra</i>				
1686	Poundage allowed to the Out-Port Collectors, at 2s. per Pound	946	16	7	
	Incident Charges at London, and Out-Ports	261	7	8 $\frac{1}{2}$	
	Nett Produce	1208	4	3 $\frac{1}{2}$	
		34324	17	3	
	Gross Produce, &c.	37365	2	0	
	— of Home-made Spirits	8614	9	11	
		45979	11	11	
1687	<i>Per contra</i>				
	Poundage	998	10	1 $\frac{1}{2}$	
	Incidents	348	17	6 $\frac{1}{2}$	
	Nett Produce	1347	7	7 $\frac{1}{2}$	
		44632	4	3 $\frac{1}{2}$	
	Gross Produce, &c.	45224	6	2 $\frac{1}{2}$	
	— of Home-made Spirits	9292	13	5	
		54516	19	7 $\frac{1}{2}$	
	<i>Per contra</i>				
	Poundage	968	0	1 $\frac{1}{2}$	
	Incidents	322	7	7	
	Nett Produce	1290	7	8 $\frac{1}{2}$	
		53226	11	11 $\frac{1}{2}$	

Sir Robert Howard, then, according to Order, delivered an Estimate of the Expences of the late King James, which on a Medium of 4 Years was as follows.

	l.	s.	d.	Estimate of the Charge of Go- vernment.
To the Navy	417462	12	10 $\frac{1}{2}$	
— Ordnance	83493	9	3 $\frac{1}{2}$	
— Forces	610383	1	5 $\frac{1}{2}$	
— Household	66006	2	2 $\frac{1}{2}$	
— Treasurer of the Chamber	28445	5	2 $\frac{1}{2}$	
— Wardrobe	15125	3	11 $\frac{1}{2}$	
— Robes	2676	14	9	
— Works	24663	19	3 $\frac{1}{2}$	
Foreign Ministers	32657	9	7	
Stables	11045	13	00 $\frac{1}{2}$	
Sundry Fines and Salaries paid at the Exchequer	56495	12	7	
Pensions and Annuities	146703	17	3 $\frac{1}{2}$	
			Band	

1789.

	l.	s.	d.
Band of Pensioners	6000	00	00
Bounties paid at the Exchequer in Gross	27680	10	8½
Sums			
Secret Services by Mr. Guy	89968	8	2½
Secretary of State	6066	13	4
Sir Stephen Fox	9333	6	8
Privy Purse	26416	13	4
Coinage			
Jewels and Plate	15740	6	00½
Import Bills	96	12	00
Contingencies, not reducible to the fore- going Heads	22403	6	3½
Total	1699363	2	9

At the Foot of this Account are added certain Notes, which indicate that the Principal and Interest to the Bankers and their Assigns, and the Interest of Money borrow'd is not comprehended in it.

As likewise that the Revenue is charg'd with the following Articles.

	l.	s.	d.
Mr. Thomas Fox for the Security of his Place as Receiver of the Customs	20000	00	00
Mr. Duncombe for the like on the Excise	20000	00	00
The City on the Excise	185525	00	60
Mr. Hornby on the same	5000	00	00
Mr. Hall on the Hearth-Money	47000	00	00
	277525	00	00

	l.	s.	d.
An Arrear to the Army and Navy about	300000	00	00
Six Years Arrears of 79566 l. 14 s. 2 d. for perpetual Interest to the Goldsmiths and their Assigns	477400	5	00
Total of the then National Debt	1054925	5	00

1200000 l.
voted for the
Annual Re-
venue.

The same day the House Resolv'd, That there be a Revenue of 1,200,000 l. per Ann. settled upon their Majesties for the constant necessary Charge of supporting the Crown in Time of Peace.

After which, the House divided on the Question, Whether a Committee should be appointed to consider and report to the House, what Sum may be necessary to allow by the Year for the Charge of a Summer and Winter-Guard at Sea, Guards and Garrisons by Land, and Office of Ordnance in
Tuniz

Time of Peace, which pass'd in the Affirmative, Yeas 122, Noes 63. And a Committee was appointed to meet accordingly. Anno W. & M. 1689.

The 21st, the Speaker inform'd the House that his Majesty pass'd the Bill for a present Aid.

The same Day an Estimate of the Charge of Six Regiments of Horse, Two Regiments of Dragoons, and 25 Regiments of Foot (sixteen of which were to be rais'd) making 22330 Men, beside Officers, to be employ'd in Ireland, was deliver'd to the House; an Abstract of which is as follows.

	l.	s.	d.	l.	s.	d.	
	<i>per Diem.</i>			<i>per Annum.</i>			
Six Regiments of Horse—	365	19	00	133571	15	00	Estimates of the Charge of the Army.
Two of Dragoons—	101	3	4	36925	16	8	
Twenty of Foot (though 25 are mention'd above)	1110	15	4	405429	16	8	
Levy Money for 16 Regiments—	34	6	00½	12520	00	00	
Contingencies—	78	17	10½	28796	7	5	
Ordnance—				81935	17	3	
Transports and 10 Days Provisions—	14937	13	4				
Total	714117	6	4				

The 22^d, on the Motion for a Supply for the Reduction of Ireland, the House came to the following Resolutions, *viz.*

That a Supply be given his Majesty of the Sum of 302351 l. 17 s. 10 d.½ for the maintaining 22230 Men and Officers, and the Contingencies belonging to the same for six Months towards the Reducing of Ireland. Supplies voted.

Nem. Con. That a farther Supply be given to his Majesty of 27451 l. 13 s. 4 d. for the Levy-Money and Transportation of the Forces aforesaid.

That a farther Supply be given to his Majesty of 81935 l. 17 s. 3 d. for providing Artillery, and other Necessaries for the Office of Ordnance for the Use of the Forces before-mention'd.

That it will be necessary that the like Supply of 302361 l. 17 s. 10 d.½ be hereafter granted for paying the Forces, &c. if the War shall so long continue.

The 23^d, The House agreed with the Grand Committee, on his Majesty's Speech, in the following Resolutions. That his Majesty be humbly desir'd to direct an Estimate to be sent to this House, of what Fleet will be necessary for this Summer's Service. And that he would cause the House to be inform'd what the mutual Obligations of Assistance are, by any Treaties, between this Crown and the States of Holland. Votes for the Estimate of a Fleet, and the mutual Obligations between England and Holland.

Anno 1 W. & M.
1689.

Mr. Hampden.
A Message
from the King,
recommending
an Act of In-
demnity.

The 25th, Mr. Hampden deliver'd the following Message in Writing, from his Majesty.

WILLIAM R.

HIS Majesty, out of an earnest Desire to deliver his People from the Guilt, Reproach and Penalties, which many of them may be liable to, and to put an end to all Controversies arising between his Subjects, by reason of any Disorders in the late Times, and to take away all Distinctions, and Occasions of Discord among them; to the end, that they, having an *entire Confidence* in his Majesty, and perfect Union among themselves, may be encourag'd in their Duty to his Government, and more fully and securely enjoy the Benefit of it: And his Majesty judging that the best Way to render this his gracious Purpose most extensive and effectual, is to pass an Act of free and general Pardon, Indemnity and Oblivion: His Majesty doth earnestly recommend the Consideration thereof to both Houses of Parliament, that, with all the Expedition, a Matter of this kind will admit, they may prepare a Bill for that Purpose, for the Royal Assent, with such Exceptions only as to them shall seem necessary for the Vindication of public Justice, the Safeties of their Majesties, and the Settlement and Welfare of the Nation for the future.

Thanks voted.

Resolved, nem. con. That the Thanks of this House be given to his Majesty, for his gracious Message this Day, and a Committee was appointed to draw up an Address accordingly.

The 26th, Mr. Hampden acquainted the House, that he had receiv'd in a Letter from the Earl of Nottingham, one of the Secretaries of State, an Account of what Fleet will be necessary for this Summer's Service; also an Extract of the Treaty between this Crown, and the States of Holland, which were to the following Effect:

Estimate for
the Fleet.

Navy-Office, March 23, 1688. An Estimate, &c.
For the Wages, Victuals, and Wear and Tear for one Year, of 50 Ships of War of the 2d, 3d, 4th Rates, 15 small Ships, and 8 Fire-Ships, (as by a List thereof, apart,) to be employ'd in the Narrow-Seas, and Mediterranean; and also one 3d, 19 4th, two 5th Rates, and two Fire-Ships, for the Plantations, and Convoys; according to a Project thereof, herewith presented. For the Charge of 17155 Men, serving in the

Said

said 65 Ships of War and 8 Fire-Ships, computed at 4 l. each Man, a Month, is for one Month 68,620 l. and for 13 Months

l. s. d.
892,060 00 05

Anno 1740 & M.

1689.

For the Charge of 4,540 Men, serving in the said 22 Ships of War, and two Fire Ships, at 4 l. each Man, a Month, is for one Month 18,160 l. and for 13 Months

235,080 00 00

Total l. 1,128,140 00 00

Extract of the Treaty, &c.

Art. 4. If his Majesty or the said States-General, shall hereafter happen to be attack'd, &c. his Majesty and the said States-General, upon Notice and Demand of each other, shall jointly use their utmost Endeavour that such Molestation and Hostility may cease, and Reparation be given for the Wrongs and Injuries that shall be done to either of the Allies.

Extract of the
Treaty with
Holland.

Art. 5. And in case the said Attack, &c. shall be followed with an open Rupture, the Ally, not attack'd, shall be obliged to come to a Rupture, two Months after the first Demand made by the Ally already engag'd in a Rupture; during which Time, he shall use all his Endeavours to mediate an Accommodation. Notwithstanding which, he shall, during that Time, give a powerful Succour to his Ally, according as shall be agreed upon by separate Articles, &c. it being left in the Choice of the Ally engag'd, whether he will continue to enjoy the Benefit of that Succour, in case the Conjunction of Time, and the State of his Affairs, shall make him prefer it before an open Rupture of his Ally.

Sep. Art. 1. The Case mention'd in the 5th Art. happening, the said King and his Successors and the said States-General shall be oblig'd to assist each other, in the Manner following: That is to say, his Majesty of Great-Britain shall assist the States-General with 10,000 Foot; and the States-General shall assist his Majesty with 6,000 Foot, and both Parties reciprocally with 20 Ships of War well equipp'd and provided; which Succours shall be supply'd and maintain'd at his Charge who sends it to the Party attack'd.

2. Art. When the Necessity of Affairs shall make it appear that the Succours provided and settled ought to be augmented; the said King and the said States-General shall endeavour to come to an Agreement about it.

The said Extract, and the said Estimate were then referred to the Committee on the Supply

Anno 1 W. & A.
1689.

A Motion for settling a Revenue on the Princess of Denmark.

Provisos added to the Bill for removing Papists from London.

Prince George naturalised.
A Proviso to the Mutiny-Bill.

A Proviso offered to the Bill for settling the Coronation-Oath.

The Lords demand a Conference on the Bill for removing Papists.

What pass'd at it.

A Motion being then made, that the House would consider of a Provision to be made for a Revenue for the Princess Anne of Denmark, it was resolv'd, that the said Motion shall be considered when the Matter of the Revenue should come before the House.

The same day, Sir John Holt, from the Committee appointed to consider the engrossed Bill from the Lords, for the removing Papists and reputed Papists, ten Miles from London and Westminster, reported that the said Committee had agreed upon several Amendments to the said Bill; and had added two Provisos, one to except such as have inhabited for two Months, and another for nine Portugal Men and as many English Women for the Queen-Dowager: To which Provisos and Amendments the House having agreed, the Bill was pass'd, and order'd up to the Lords for their Concurrence.

The 28th, the House pass'd the Bill for naturalizing Prince George of Denmark, without Amendments.

The same day, the following Proviso was added to, and made part of the Mutiny-Bill, *viz.* That in all Cases of Death, the Officers, who try the Prisoner, should take an Oath to try and determine the Matter according to the Evidence, and that no Sentence should be given by less than nine; and, if the Court were above that Number, then by the Majority: And that no Proceedings or Sentence should be given, but between eight o'clock in the Morning and one in the Afternoon.

After which a Proviso engrossed was offer'd as a Rider to the Bill to establish the Coronation-Oath then under Consideration, as follows: *Provided* always, and be it hereby declar'd, That no Clause in this Act shall be understood to bind the Kings and Queens of this Realm, so, as to prevent their Royal Assent to any Bill which shall at any time be offer'd by the Lords and Commons assembled in Parliament for the taking away, or altering any Form or Ceremony in the established Church; so as the Doctrines of the said Church, a public Liturgy, and the Episcopal Government of it be preserv'd.

This occasion'd a Debate, in the Progress of which the Lords, by Message, desir'd a present Conference on the Subject Matter of the Bill for removing Papists, &c. which being granted, and the Members return'd, Mr. Hampden reported what pass'd on that occasion, as follows:

That the Earl of Pembroke manag'd the Conference, who said, that the Conference was desir'd on the Subject of the two Provisos added by this House. With regard to the first of which they propos'd the Word six might be inserted instead of two (Months) before Feb. 13. many Papists,

pists, it may be suppos'd, being come up to Town on ill Designs, that were Inhabitants here formerly.

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1689.

And with regard to the second, that they do not agree to the Change of the Proviso concerning the Queen Dowager, because her Majesty hath for many Years made such moderate use of her Marriage-Articles, that there hath not been any just Occasion of Complaint in her Enjoyment of them; and it may seem at this time, a kind of Severity to her Majesty to have those Articles still restrained by virtue of that Act which was made for the Preservation of the King her Husband, which Reason now ceases. And it is evident, in the time of the late King James, when her Majesty might have been encourag'd to entertain more Persons of her own Religion, those of her Servants and those in the most considerable Places continued, and others were received into her Family, tho' Protestants; and it is conceiv'd it may be of ill consequence, if her Majesty, by not living easily here, should be oblig'd to retire into foreign Parts.

A Motion was then made to proceed upon the said Report, but over-ruled; Yeas 118, Noes 138.

The Debate on the Proviso to be added to the Bill for establishing the Coronation-Oath, was then renew'd; and the Question being put, for reading the said Proviso a second time, it pass'd in the Negative. And it was resolv'd that the Bill do pass.

Proviso to the Coronation-Bill rejected.

April 1. The Bill for repealing the Act for governing Corporations having been read and committed, a Motion was made that it be an Instruction to the Committee, that none shall be admitted to any Place of Magistracy, unless he hath, within a twelvemonth before receiv'd the Sacrament, according to the Church of England: Which giving rise to a Debate, it was propos'd to adjourn the said Debate till Wednesday se'cnight. And the House dividing, it pass'd in the Affirmative, Yeas 116, Noes 114.

The Bill to repeal the Corporation Act, a Motion thereon.

The Debate adjourn'd.

It was then resolv'd *nem. con.* That a Committee be appointed to bring in a Bill of Comprehension.

The Address of Thanks for the King's Message relating to the Bill of Indemnity, having been presented to his Majesty, Sir William Williams acquainted the House that his Majesty was pleas'd to give a most gracious Answer, to the Effect following:

Sir William Williams.

' Gentlemen, I am pleas'd with doing what you like; and do expect you will further proceed to expedite the Indemnity and Oblivion which tends so much to an Union; I shall be always forward to do my part in this, and all things, that may unite my People.

The King's Answer to the last Address of Thanks.

The 2d, the House having taken into Consideration the Report on Thursday last from the Conference with the

Proceedings on the Report of the last Conference with the Lords.

Lords,

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1689.

Three Acts
pass'd.

A Poll-Bill
voted.

Heads of the
said Bill.

Lords on the Bill for removing Papists, &c. *Resolv'd* to agree with the Lords in the Amendment by them propos'd, touching those who have been Inhabitants; but refus'd to comply with the Lords, in rejecting their Proviso with respect to the Queen-Dowager. In consequence of which; they referred it to the former Committee to draw up Reasons to be offer'd at a Conference with the Lords.

The 3d, his Majesty came to the House of Peers, and pass'd three Acts; one, *For exhibiting a Bill in this present Parliament, to naturalize Prince George of Denmark*: One, *To reverse Actions and Process in Westminster-Hall*: And the Act *For punishing Mutiny and Desertion*.

The 4th, the House agreed with the Committee on the Supply, (which had been before empowered by the House to consider of ways and means to raise it): That a Tax by a Poll-Bill be given to his Majesty, towards the reducing of Ireland; and the said Poll-Bill was afterwards drawn up on the following Heads:

1. That all Debts and ready Money be taxed.
2. All Persons exercising any public Office or Employment.
3. All Persons receiving any Pensions or Stipends from his Majesty.
4. All Judges, and Persons having any judicial Office, or Place of Profit; all Serjeants at Law, Counsellors, Attorneys, Solicitors, Scriveners, Advocates, Proctors, public Notaries, and Persons practising the Art of Physic.
5. All Servants receiving Wages.
6. All Persons whatever, but such as receive Alms of the Parish, under the Age of sixteen.
7. All Dukes, Marquisses, Earls, Viscounts, Barons, and their eldest Sons.
8. All Baronets, Knights of the Bath, and Knights Bachelors.
9. All Esquires, or reputed Esquires; and all Persons owning or writing themselves such.
10. All Gentlemen; reputed Gentlemen, and all Persons owning or writing themselves such.
11. All Widows according to the Dignity of their late Husbands.
12. Every Gentleman having an Estate of 300 l.
13. All Dignify'd Clergy.
14. All Parsons holding two Benefices of the clear yearly Value together of 120 l.
15. All Merchants, Strangers, and Jews.
16. All Doctors of Divinity, (except such as have no Benefices) Law and Physic.
17. All Merchants trading in the Port of London, not free of the City of London.

18. All Merchants, and others, using any Trade or ma- Anno 1 W. & M.
nual Occupation, and holding a Houfe of 30 l. per Annum, 1689.

19. All Members of the East-India Company for their Share in the joint Stock.

20. All Members of the Guinea Company, for their Shares in the Joint Stock.

21. All Annuities and Rent-Charges.

22. And all Shares in the New-River Water.

Fee-Farm Rents were likewise mentioned by the Committee, but over-ruled in the House.

The 5th, Mr. Papillon reported from the Committee to whom the Consideration of the necessary Sums for a Summer-Fleet, and Guard at Sea, Guards and Garrisons at Land, and the Office of Ordnance in time of Peace, and of the £1,200,000. *per Ann.* to be settled upon his Majesty, &c. that the said Committee had resolv'd as follows:

That it is the opinion of this Committee, that 48 Men of War, Fire-ships, Yachts and Ketches, with 7040 Men, are necessary for a Summer and Winter-Guard in time of Peace.

That for the Charge of the said Ships, including the Ordnance, there be allow'd 4*l.* *per* Man, *per* Month: which for 7040 Men amounts to 28160*l.* *per* Month, and for one Year of 12 Months at 28 Days *per* Month, 36680*l.*

That the Sum of 200,000 l. is necessary for the annual Charge of Guards and Garifons in time of Peace.

That 22600 l. is necessary for the annual Charge of the Office of Ordnance in time of Peace.

To all which Resolutions the House agreed.

Mr. Papillon likewise deliver'd in an Account of the Number of Ships of War necessary for a Summer and Winter Guard, with their several Stations, Quality of Ships, and Number of Men, which was as follows :

Stations,	3d,	4th,	5th,	6th,	Fire	Yachts,	Ketches,	N ^o of	N ^o of
Rate					Ships			Ships	Men
Streights	1	10		1	2			14	2495
Channel	2	10			2		2	21	2815
Ireland				1		1		2	130
Newfoundland	2							2	400
Canaries, to be supply'd from the Channel.									
Jamaica	1		1					2	305
Barbadoes	1							1	200
Leward-Islands.			1					1	105
New-England			1					1	105
Virginia			1	1				2	108
Ireland			1	1				2	305
Totals	3	25	6	2	4	6	2	48	7040

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He farther acquainted the House, that the Committee had not in their Report, inserted the Charge of the Navy, commonly call'd the Ordinary, which they find generally to be about 150000*l. per Ann.* they conceiving the same not to be included in their Order, but is a constant and necessary Charge: And to be allowed out of the 1200000*l. per Ann.* for the Revenue, and that the Officers of the Ordnance had also inform'd the Committee that there is an ordinary Charge in their Office for Salaries, travelling Charges and other Contingencies, of 18250*l.* which is also to be allow'd out of the said 1200000*l. per Ann.*

Mr. Papillon also reported, that the said Committee had resolved, that it was the opinion of that Committee, that 4*l. 5 s.* for each Man *per Month*, of 28 Days in time of War, is an indifferent Estimate for the Charge of the Wear and Tear of the Ships of War, of the Wages and Victuals for the Men, and of the Charge of the Ordnance and Ammunition, and all other incident Charges.

He farther acquainted the House, that the Committee could not examine what Number of Men were required for the 65 Ships of War, and 8 Fire-ships; there being no List of the Quality of the said Ships, as mentioned in the Estimate, and therefore cannot assert what the total Charge amounts to.

Neither could the Committee examine what Number of Men were necessary for the other 22 Ships of War, and 2 Fire-Ships, not having any Particular of the Names of the Ships, nor the Project mention'd in the Estimate deliver'd to the House.

But, if the 65 Ships and 8 Fire-Ships have 17155 Men employ'd on them, the same at 4*l. 5 s. per Man*, will amount to 72,908*l. 15 s. per Month*, and for a Year of 12 Months, to 947,813*l. 15 s.*

	<i>l.</i>	<i>s.</i>
<i>viz.</i> Victuals	225,015	00
Wages	334,522	10
Ordnance	89,226	00
Wear and Tear, &c.	301,070	5

947,813 15
If the 22 Men of War, and 2 Fire-Ships bear 4,540 Men, the same at 4*l. 5 s. per Head*, amounts to 19,295*l. per Month*, and for one Year of 12 Months, 250,835*l.*

<i>viz.</i> Victuals	59020
Wages	88530
Ordnance	23608
Wear and Tear, &c.	79677

250,835

But

But that there is to be deducted for the Charge of the Summer and Winter-Guards ————— l. 366080 00 Anno 1 W. & M.
1689.

Remainder l. 832568 15

And the Wages are not payable till the End of the Year. And it appearing to the Committee by the Treaty and separate Articles between the King of England and States of Holland, that both the said Parties are reciprocally oblig'd to assist each other in Case of an Attack, and there being no Signification to the Committee of the Quality of the Ships, and Number of Men to be employ'd in them, &c. the Committee conceive themselves in no Capacity to give any Opinion thereupon.

That it requiring a considerable Time to have a true Information of the State of the Fleet, and to examine the same, the Committee are of Opinion, and order'd that this Report should be made to the House, of the Estimate, and to acquaint the House with the Reasons why they cannot give an Opinion of the other Matters abovesaid.

The 5th Mr. Speaker acquainted the House, that his Majesty had been pleas'd to direct him to give Notice to the House, that he had appointed a Gallery in the Abbey, and another in Westminster-Hall, and, also a Dinner for them in the Court of Exchequer, at the Solemnity, of their Majesty's Coronation, on Thursday next. But that he thought it not so convenient for the House to bear any Part in the Proceeding.

The 7th the Lords signify'd, by Message, that they had pass'd the Bill for establishing the Coronation-Oath without any Amendment. Lords pass the
Coronation-Bill.

The 8th, Sir Thomas Clarges gave in his Report from the Committee, appointed to prepare Reasons to be offer'd at a Conference with the Lords on the Bill for removing Papists ten Miles from London, as follows. Sir Thomas
Clarges.

The Commons do insist to retain the Proviso by them added, concerning the Queen-Dowager in lieu of that in the Bill.

1. Because it is no new Claim, and therefore, imposes no new Condition upon her Majesty: It being the same that is enacted in the 30th of King Charles II. in the Act for the more effectual preserving the King's Person and Government. Reasons to be
offer'd to the
Lords at a Con-
ference on the
Bill for remov-
ing Papists, &c.

2. Because to make an Alteration in the Law, as it now stands, may look like some kind of Countenance to those of that Persuasion, at a time, when the Lords themselves have judg'd the Resort of Papists to London, to be of so dangerous Consequence to the Government, as to make this Act

Anno 1 W. & M. to remove them under great Penalties, ten Miles distant from it.
1689.

3. The Papists are no less active at this time in their Designs and Practices to disturb the Peace and Quiet of the Kingdom, than they were in the 30th. Year of King Charles II. And, therefore, the like Reasons, which then induc'd the Parliament to make that Statute, remain, at this time, to persuade the House of Commons to keep the Force of it entire in all its Parts, since the Purport thereof does not only intend the Preservation of that King, from the Attempts of the Papists, but of his Successors, by restraining them from their Presence, or Places of Residence.

Order'd, That Sir Thomas Clarges do go up to the Lords, and desire a Conference on the Subject Matter of the last.

And, that Leave be given to bring in a Bill for Ease of Protestant Dissenters.

A temporary Bill, in favour of Irish Protestants.

The 9th, pursuant to a Message from his Majesty, it was Resolv'd, That Leave be given to bring in a Bill to enable the Irish Protestants (who have fled from thence) to exercise their Trades in Corporations in this Kingdom for some certain Time.

Three Acts pass'd.

The same day, the King came to the House of Peers, and gave the Royal Assent to *An Act for Establishing the Coronation-Oath: An Act for the Naturalizing George Prince of Denmark, and settling his Precedence: And, an Act for naturalizing Frederick, Count Schomberg, and others.*

An Address to call a Convocation.

The 13th, an Address to his Majesty was agreed upon, signifying the Thanks of the House for his Majesty's repeated Assurances in favour of the Church of England. 2dly, That the said Church was ever loyal: The Misfortunes of former Princes, were owing to nothing more, than their Designs to subvert it. 3dly, Praying his Majesty to continue his Care for the Preservation of the same, as the surest Means to establish his Throne. And 4thly, that a Convocation might be call'd. The said Address concluded with assuring his Majesty, it was the Intention of the House, forthwith to proceed to the Consideration of giving Ease to Protestant Dissenters.

The King's Answer.

It was then order'd to the Lords for their Concurrence, which it receiv'd, and was afterwards presented to the King, who was pleas'd, by the Earl of Nottingham, to return the following Answer. ' That tho' his Majesty had had many Occasions, of assuring them he would maintain the Church of England, as by Law establish'd; yet he was well pleas'd with repeating these Promises, which he was resolv'd to perform, by supporting that Church, whose Loyalty he doubted not, would make him able to answer their just Expectations: That as his Design of coming over was to rescue them from the Miseries they labour'd under, so it

' it was a great Satisfaction to him, that by the Success God
' had given him, he was in a Station of defending that Church,
' which had effectually shewn her Zeal against Popery, and
' should be always his peculiar Care: and he hoped the
' Ease they design'd to Dissenters, would contribute very
' much to the Establishment of the Church; and therefore
' he earnestly recommended to them, that the Occasions of
' Differences and mutual Animosities might be remov'd, and
' that as soon as might be, he would summon a Convoca-
' tion.'

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' The same Day, Mr. Speaker acquainted the House, that
he had waited upon their Majesties, with their Congratula-
tions, which he had express'd as follows.

' Your Majesties most loyal and dutiful Subjects the Com-
mons, &c. having, to their unspeakable Joy, seen your Ma-
jesties placed upon the imperial Throne of this Kingdom,
they have desir'd Access, at this Time, to your Royal Pre-
sence, humbly to congratulate your Majesties upon this Oc-
casion, and to wish your Majesties a long and prosperous
Reign, with all the Blessings that ever did attend a Crown.

The Speaker's
congratulatory
Speech, upon
the Coronation.

' We are sensible that your Majesties Greatness, is the
Security of your Subjects. It is from your Power, that we
derive to ourselves an Assurance of being defended from
our Enemies, and from your Justice that we expect a full
Enjoyment of our Laws and Liberties: But that which
completes our Happiness, is, the Experience we have of
your Majesties continual Care to maintain the Protestant
Religion, so that we can no longer apprehend any Danger
of being depriv'd of that inestimable Blessing, either by se-
cret Practices, or by open Violence.

' May the same Divine Providence, which hath hitherto
preserved your Majesty in the greatest Dangers, and so often
given you Victory over your Enemies, still crown your Un-
dertakings with Success.

' And may those unparallel'd Virtues, which adorn your
Majesty's Royal Person, be the Admiration of the present
Age, and an Example to the future.

' And may the Lustre of both your Names, so far out-
shine the Glory of your Predecessors, that the Memo'y of
their greatest Actions may be forgotten, and your People
no longer date the Establishment of their Laws, and Liber-
ties, from St. Edward's Days, but from the most auspicious
Reign of King William and Queen Mary.'

His Majesty made the following Answer, both in his own,
and in the Queen's Name.

' Gentlemen, We return you our hearty Thanks for the
' Kindness that you have, upon all Occasions, shewn to both

His Majesty's
Answer.

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1689.

of Us. We shall take care, to the best of our Powers, of all Things that conduce to the Good of the Kingdom. And I do not doubt, but by God's Assistance, and yours, We shall be able in a short time, to make you a flourishing People."

The 15th, *The Bill for abrogating the Oaths of Allegiance, &c. and appointing other Oaths, with certain Amendments*, was pass'd, and sent up to the Lords.

The 16th, the two Houses had another Conference, on the Bill relating to the Queen-Dowager, but came to no Agreement thereon.

King James
lands in Ireland.

The same day, likewise, certain Persons gave an Account to the House, of King James's landing in Ireland, attended by several English, and French Lords, &c.

Mr. Hampden
moves, to ad-
dress his Ma-
jesty to declare
War with
France.

After which the House resolv'd itself into a Committee to take into Consideration the State of the Kingdom, in relation to France, and our Alliances abroad; when, Mr. Hampden made a Motion, for an Address to his Majesty for a War with France, which the French had already begun by several Acts of Hostility at Sea, and in Ireland. He was seconded by Sir Thomas Clarges, and supported by another Member, who spoke thus: "Mr. Speaker, I bear all the respect that I owe to Crown'd-Heads, but I cannot help saying, That it is of absolute Necessity to declare War with the most Christian Turk, who ravages all Christendom, and makes War more barbarously than the Turks themselves."

Resolution
thereon.

In conclusion, it was *Resolv'd, nem. con.* 350 being in the House, "That by Address, upon the present Debate, it be humbly presented to his Majesty, that, if he shall think fit to enter into a War against France, the House will give him all such Assistance, in a Parliamentary Way, as shall enable him: to support, and go through with the same."

And an Address was order'd to be prepar'd accordingly.

The 18th, several Petitions were preferr'd against the East-India Company; and a Committee was appointed to take them into consideration.

The Queen
Dowager's Bill
pass'd.

The same day, the two Houses had a free Conference on the Queen-Dowager's Bill, when, by the Help of some few additional Amendments, the Difference between them was adjusted, and the Bill pass'd.

The 19th, *certain Amendments to the Abrogation-Bill*, by the Lords, were read, some of which were allow'd, and others rejected: And a Committee was appointed to prepare Reasons to be offer'd at a Conference thereon.

The Address for
a War with
France, re-
ported by Mr.
Hampden.

The same Day Mr. Hampden reported the Address to be presented to his Majesty for a War with France, which contain'd a Charge against the French King, of aspiring to Uni-

versal

versal Monarchy; to compass which, he had been guilty of all kinds of Violence and Treachery: witness his groundless Declaration of War against the States, 1672. and his manifold Infractions of the Treaty of Aix la Chapelle: His Surprise of Strasburg. His building the Fort of Hunninghen. His Invasion of Flanders and Holland since the last Truce of 1684. His attacking the Fort of Philipsburgh without any Declaration of War; his wasting the Palatinate, and murdering an infinite Number of People there. His seizing the Principality of Orange. His Treacheries by his Ambassadors resident in foreign Courts. His Bombarding Genoa, and obliging the Doge to make his Submission to him in Person, at Versailles: His Practices against England. His refusing to accede to any just Treaty of Commerce; the corrupt Influence he had on our Kings, Charles and James, his Enmity to our Parliaments. His seizing on part of Hudson's Bay. His commencing the War in Ireland: And his denouncing War against Spain. For all which Reasons, if his Majesty should think fit to enter into a War to put a stop to his growing Greatness, which threaten'd Europe with absolute Slavery, the House offer'd his Majesty such Assistance in a Parliamentary way, as should enable his Majesty, &c.

The Address was long, and declamatory, and not satisfying the House, was recommitted to the same Committee.

The 20th, Sir George Treby reported the Reasons to be offer'd to the Lords at a Conference on the Abrogation-Bill, which serving to clear up the History of those Times are here inserted, as follows.

1. That it has been the Policy of the Common-Law, and Statute-Law to oblige Men to swear Allegiance to the King.

2. Allegiance is the common and necessary Duty of all Subjects, and is most strictly to be requir'd of Arch-Bishops, Bishops, and those who have ecclesiastical Dignities, Benefices, or Promotions, in regard they are highly entrusted in the Administration of the Government, draw great Dependencies, and are exemplary to the rest of the People: And several of them are, by Law, to administer the Oath of Allegiance to other Persons.

Allegiance is also strictly to be requir'd of all Governours, Professors and Fellows in Universities, and School-masters, because to them the Education of the Youth of the Kingdom is committed; and therefore, they ought to be known Persons of Loyalty and Affection to the Government.

3. The taking the Oaths publicly in open Court will better manifest Allegiance than the taking them privately before Persons appointed by Order in Council, and will be much more for the Ease of the Persons who are oblig'd to take the Oaths.

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Recommitted.

Sir George
Treby.

Reasons to be
offer'd at a Con-
ference on the
Abrogation-
Bill.

Anno 1 W&M.
1689.

4. The best and most certain Means to have the Oaths taken, is to oblige Persons concern'd to tender themselves to take the said Oaths under Penalties. But, if the Oaths are not to be requir'd, unless tender'd, the said Persons might by absence, and otherwise, avoid the taking them with Impunity.

5. The Clause which the Commons sent to your Lordships allows much more Favour to the Arch-Bishops, or Bishops, and those that have ecclesiastical Dignities, Benefices, or Promotions, than to any Lay-Peers, or other Persons having Offices and Employments, and is more gentle in the Penalty than the Statutes heretofore made in like Case.

6. It is unreasonable and unsafe to distinguish the Arch-Bishops, Bishops and Persons having Ecclesiastical Dignities, Benefices, or Promotions, and such as are entrusted with the Education of Youth, from the rest of the Subjects in the Declaration of their Allegiance, and may tend to make a Division in the Kingdom, and may raise and countenance Factions both in Church and State.

7. It may tend to expose the King's Person and Government to Hatred and Danger, and occasion a general Discontent.

The same Day the said Reasons were declared to the Lords, and on the 22d a Conference between the two Houses ensuing thereon, Sir Thomas Lee made the following Report of the Lords Reply.

The Lords Reply.

The Earl of Nottingham manag'd for the Lords, who insisted on the former Amendments to the said Bill of Oaths, and gave these Reasons, *viz.*

In answer to the first and second Reasons alledg'd by the House of Commons, 'tis agreed that the Policy of the Law requires Men to swear Allegiance, and that 'tis the common and necessary Duty of all Subjects, and especially of the Clergy. But the Lords do not exempt them from taking these Oaths, but only differ with the House of Commons, about the Method by which they should be tender'd.

To the third Reason, if the Lords should agree that it is better to tender the Oaths in open Court than privately, yet that is not a sufficient Reason against the tendering them by Persons appointed by the King in Council, because the Officers and Judges of the Court may be so appointed by virtue of the Clause offer'd by the Lords; or if it is not clearly enough express'd, it may be express'd more explicitly.

To the fourth, the Clergy will be requir'd to take the Oaths by such Order in Council as is propos'd by the Lords, and their not appearing when so summon'd, will amount to a Refusal; or if it should not, the Lords would agree to any such Addition as would make it so.

To

As to the other Reasons; the Clergy and the Members of the Universities are not distinguish'd from the Laity, because upon all Promotions to any Degree of Preferment, they will be, equally with others, oblig'd to take the said Oaths; and even those that are already in such Stations, will be oblig'd to take the Oaths when required by Order in Council: and it seems to conduce more to the Settlement and Safety of the Government, that the King should be empowered to put the Fidelity of the Clergy to a Trial immediately, than to leave any, who are ill-affected, so much time as to the first of August, to be all that while undermining it.

anno 1 W. & M.
1689.

The Clergy are oblig'd by the Prayers which they must read in the daily Service, to make such express and solemn Declarations of their Fidelity to the King and Queen by Name, that the putting them to the taking the Oaths is not so necessary to the public Safety, as in other Persons who are not bound to make such frequent Declarations of their Fidelity.

In so critical a time as the present, it is not to be doubted, but upon any case of apprehending their ill Affections to the Government, the tendering the Oaths by Order in Council, will not only take off all Imputation of Hardships from his Majesty, but justify, and even require a more rigorous way of Proceeding against those that shall give any cause of Offence.

Since, during Queen Elizabeth's long and glorious Reign, in which she had both the pretended Title of the Queen of Scots, and the deposing Power assum'd by the Pope to apprehend, this was found to be the safest way for the public Quiet; and the ill Effects of leaving the tendering of Oaths to the Queen's Discretion, not having appear'd in all that time of so much Danger, and so many Conspiracies against her Person; the following a Pattern taken from the best part of our History, seems more suitable to the present time, than the following other Methods; which the Lords think a sufficient Answer to the last Reason given by the House of Commons.

The Question being then put, That the House do agree with the Lords, it pass'd in the Negative without a Division.

The 23^d, the House took into consideration the Amendments in the Poll-Bill; and *Resolved*, That it be left to their Majesties to nominate Commissioners (out of those in the Act for the granting a present Aid to their Majesties) to put the Act in execution.

A Clause, whereby all Tradesmen, and others, using any manual Occupation, worth 300 l. and upwards, clear personal

Amendments to
the Poll-Bill,
nal

Anno 1701 W. & M. 1689. **nal Estate** should be rated as a Gentleman, being read a second time, was rejected.

Three Clauses were afterwards offer'd, *viz.* That Masters and Mistresses should pay for their Servants, and deduct it out of their Wages; that above-mentioned, relating to their Majesties appointing Commissioners; and that to exempt the Irish Nobility and Gentry, were agreed to by the House; and then the Bill with the Amendments and Clauses was order'd to be engrossed.

Sir Henry Goodrick.

The 24th, the following Address, relating to a War with France, which had been re-committed, was reported by Sir Henry Goodrick, agreed to, and ordered to be presented to his Majesty by the whole House.

A new Address for a War with France.

' We your Majesty's most loyal and dutiful Subjects, the Commons, &c. most humbly lay before your Majesty our earnest Desire, that your Majesty will be pleased to take into your serious Consideration the destructive Methods taken of late Years by the French King, against the Trade, Quiet, and Interest of this your Kingdom, and particularly the present Invasion of the Kingdom of Ireland, and supporting your Majesty's rebellious Subjects there; not doubting in the least, but that thro' your Majesty's Wisdom, the Alliances already made, with such as may hereafter be concluded on this occasion by your Majesty, may be effectual to reduce the French King to such a condition, that it may not be in his power hereafter to violate the Peace of Christendom, nor prejudice the Trade and Prosperity of this your Majesty's Kingdom.

' To this end we most humbly beseech your Majesty to rest assur'd upon this our solemn and hearty Promise and Engagement, That when your Majesty shall think fit to enter into a War against the French King, we will give your Majesty such Assistance in a Parliamentary way, as may enable your Majesty (under the Protection and Blessing God Almighty has ever afforded you) to support and go thro' the same.

A Bill pass'd for the seizing suspected Persons.

The same day, the Lords by Message signified they had several treasonable Letters under Consideration, which had been transmitted by Duke Hamilton from Scotland: in consequence of which, both Houses instantly pass'd a Bill to enable his Majesty to apprehend and detain suspected Persons.

Bill of Oaths pass'd by the Lords, with a proviso.

After which, Sir George Treby reported from a free Conference with the Lords, That their Lordships had departed from their Disagreement, with respect to the Bill of Oaths, and did agree to the Amendments made by the Commons, with the Proviso following, (which they nevertheless acknowledg'd was contrary to all Course and Practice of Parliaments.)

Provided always, and be it Enacted by the Authority
aforesaid, That it be left to the King to allow, such of the
Clergy as shall refuse the Oaths prescrib'd by this Act, as
he shall think fit, not exceeding the Number of twelve, an
Allowance out of their ecclesiastical Benefices, for their Sub-
sistence, not exceeding a third Part; and to continue during
his Majesty's Pleasure, and no longer.

Anno 17. & M.
1689.

The Proviso.

The said Proviso, being thrice read, was agreed to.

The same day, the King came to the House of Peers, and
gave the Royal Assent to several Bills, viz. *An Act to empower
his Majesty to apprehend suspected Persons: An Act for the Abrogat-
ing the Oaths of Allegiance, and appointing others: An Act for the
removing Papists ten Miles from London: An Act for the taking
away Hearth-money: And an Act to encourage the Exportation of
Corn.*

Several Acts
pass'd.

The 25th, it was Resolv'd, That, out of the Public Re-
venue, for the Charge of the Civil Government, (including
therein, what is to be allowed her Royal Majesty the Queen-
Regent, the Queen-Dowager, the Prince and Princess of
Denmark, and the Marschal Schumberg) there be allow'd
the Sum of 600,000 l. *per Ann.*

600,000l. per
Ann. granted
for the Civil
List.

And, that 700,000l. be given towards the Occasions and
Charge of the Navy.

700,000 l. for
the Navy.

The same day, the Speaker, reported his Majesty's Answer
to their Address for a War with France, which was as
follows.

W. R.

' I receive this Address, as a Mark of the Confidence
' you have in me. Which I take very kindly, and shall
' endeavour by all my Actions to confirm you in it; I assure
' you that my Ambition shall never be any Argument to in-
' cline me to engage in a War, that may expose the Na-
' tion either to Danger or Expence. But, in the present
' Case, I look upon the War to be so much already declar'd
' by France against England, that it is not so properly an
' Act of Choice, as an inevitable Necessity, in our Defence.

King's Answer
to the Address
for War.

' I shall only tell you, that, as I have ventur'd myself, and
' all that is dear to me, to secure this Nation from what it
' suffer'd, I am ready still to do the same, in order to the
' preserving it from all its Enemies; and, as I cannot doubt
' of such Assistance from you, as shall be suitable to your
' Advice to me to declare War against a powerful Enemy,
' so you may rely upon me, that no Part of that which you
' shall give for the carrying it on with Success, shall be di-
' verted by me, to any other Use.'

The same day, the Bill for granting a Supply by a Poll-Tax, was pass'd, and sent up to the House of Lords.

The Poll-Bill
pass'd.

TOME II.

Q 9

The

Anno 1 M. & W.
1689.

A Supplemental
Bill order'd.

Articles voted to
belong to the
Civil List.

The 27th, a Sort of *Supplemental Poll-Bill*, was order'd to be prepar'd, by which, all Shop-keepers and Tradesmen, worth 500 l. and upwards, clear, personal Estate, were to be tax'd at the Rate, Gentlemen are tax'd in the Poll, in respect of their Title; with a Clause for Taxing the Inns of Court, and Chancery, by Commissioners to be appointed for that end.

The same day, the House agreed with the Committee on the Supply, that the following Articles are Part of the Charge of the Civil Government, *viz.*

The Sum of 18,209 l. 15 s. 4 d. $\frac{1}{2}$ *per Ann.* to the Queen-Dowager: The Sum of 13,800 l. *per Ann.* paid to the Judges, Masters in Chancery, and Judges of Wales.

The Perpetuities out of the Customs (except 100 l. *per Ann.* to the Heirs of Colonel Fairfax) amounting to 338 l. *per Ann.*

And the Provision to the Princess Anne of Denmark.

It was, likewise, *Resolv'd*, that the Sum of 600,000 l. out of the public Revenue, shall be apply'd to the Service of the Navy, including the Ordnance for the same.

And further, that Sir Robert Howard's Papers, containing the several Charges upon the Revenue, should be enter'd in the Journals of the House; by which it appear'd,

Abstract of
certain Papers
relating to the
Revenue.

That there was paid at the Exchequer,

In Perpetuities — l.	1431	12	0	} 159,562. 1 1 $\frac{1}{2}$
In Pensions — l.	158130	9	1 $\frac{1}{2}$	

That there was paid elsewhere,

In Perpetuities — l.	438	0	0	} 53,708 5
In Pensions — l.	53270	5	0	

Total l. 213,270 6 1 $\frac{1}{2}$

That the petty Farms, and other particular Estates of certain Parts of the Revenue were granted as follow:

The Prizage, an hereditary Duty on Wines, being one Tun in ten, and two, if above twenty, both of Foreigners, and Natives, unless exempted by Charter, or Prescription, not paid to whom.

The Butlerage, or 2 s. *per* Tun of all Wines imported by Strangers, demand'd first by James I. to Sir Thomas Waller, for 40 Years, after certain Lives, (eleven Years of that Term to come,) the Reversion granted to George Fitzroy, Duke of Northumberland, with Remainder to Henry Fitzroy, Duke of Grafton.

Twelve-pence *per* Chaldron on Sea-Coals, granted to the Crown for ever, by the Host-men of Newcastle, and demis'd by King Charles II. to Lord Mordaunt, and others for 31 Years at the yearly Rent of 1850 l. 12 s. 6 d. and afterwards

to

to Charles Duke of Richmond and Lenox, and his Heirs, *Anno 1 W. & M. 1689.* at 4 Nobles *per Ann.* Rent; saving to Sir Thomas Clarges, and his Heirs, a Grant before made to him, in Fee of 500l. *per Ann.* demis'd by King Charles II. *Anno 1667.*

Four Shillings *per 5* Chaldron, Duty on Coals exported, for 21 Years to Horatio, Lord Townshend, at the yearly Rent of 1000l. and afterwards to William Etterick Esq; for 31 Years, at the same Rent.

Certain Customs not specify'd, demis'd by King Charles II. *Anno 1664,* for 31 Years to the Earl of Kinnoul, at 240l. *per Annum* Rent; but the Leases being vacated by the Death of that Prince, it was afterwards collected by Officers appointed by the Treasury, who, after the Charge of Management was deducted, were to pay 940l. *per Ann.* to the Executors of the said Earl of Kinnoul, till the Residue of that Term was expir'd.

The hereditary Duty on Log-Wood, demis'd by King Charles II. to the Earl of Rochester (suppos'd to be a Trustee for Mr. Gwyn,) for 21 Years, from Mich. 1683, at 51l. *per Annum.*

The Profits arising by Sealing Writs, &c. granted to George, Duke of Northumberland, and his Heirs Male, with the like Remainder in Taile to his two Brothers.

A Grant made By King James II. to one Ashenhurst and others for the Use of the Royal-Oak Lottery, 2200l. *per Ann.*

To all which, is added a List of old Debts, amounting in the Whole to _____

l. 861,768 12 6½

And certain Charges on the Revenue, before-mention'd amounting to _____

l. 277,525 00 0

The 29th, Sir Joseph Tredenham reported from the Committee of Grievances, the Matter to them refer'd, concerning Sir Thomas Armstrong, *viz.*

That having summon'd Sir Sam. Astrey, the Clerk of the Crown, with the Record of the Outlawry of Hill. 35 and 36 Car II di, it appear'd that the *Quint. Ex.* was *Luna prox. post Fes. sanct. Andree Apost.* 35 Car. II di. That the Award of Prosecution, was *Die Sab. prox. post Quindec. let. Trinitat.* 36. upon a *Nihil dicit*, which was but six Months after the said Outlawry. That Sir Samuel Astrey being examin'd, declar'd he was present at the Arraignment of Sir Thomas Armstrong, who, being ask'd why Execution should not be awarded against him, said, that by the Statute of 5 & 6 Edw. VI. cap. 11. it is enacted, 'That, if the Party outlaw'd shall, within one Year next after the Outlawry pronounc'd, yield himself to the Chief-Justice of England, for the Time being, and offer to traverse the Indictment or Appeal, that then he should be receiv'd to the said Traverse.

Report concerning Sir Thomas Armstrong.

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1689.

That he was answer'd by the Lord-Chief-Justice Jeffreys, that he could pretend to no Benefit, since he did not render himself to the Lord Chief-Justice, as that Statute requires; and that the Court proceeded thereupon, to award Judgment against him as a Traitor, and believes he was executed accordingly.

That Mrs. Matthews, (Daughter of the said Sir Thomas) being likewise examin'd, said she was in the Court of King's-Bench, when her Father was arraign'd. That he demanded to have the Statute of 5 and 6 of Edw. VI read, and it was refused. That he, likewise, demanded Council and a Tryal, but it was denied; and he urging that Holloway, who was in the said Circumstance, had his Tryal, the Chief Justice said they had enough against Holloway. To which Sir Thomas reply'd, that then they had not against him. And added, His Blood be upon him, meaning the Lord Chief Justice, who said, *Let it! I am Clamour-Proof!* That she added, her Father had Council in Newgate, and Advice from an unknown Hand: That he was very much loaded with Irons and very ill us'd, that her Sister was struck by the Keeper of Newgate, and she herself committed by the Court of King's-Bench, for crying out, when Sentence was given, that her Father was to be murder'd.

Resolutions
thereon.

Resolved, That the Award of Execution by the Court of King's-Bench, against Sir Thomas Armstrong, was a high Violation of Justice, and against the exprels Laws of the Land.

And that a Bill be brought in to reverse the Attainder of the said Sir Thomas Armstrong.

Vote relating
to the Militia,
Sea-Coasts, &c.

The 30th, it was *Resolved*, that his Majesty be humbly address'd to give Directions to the Lord Lieutenants to put the Militia of the several Counties into Order, especially those of London and Middlesex, and the Counties that lie upon the Sea-Coast. And that his Majesty would be pleas'd to appoint some small Vessels to guard the Coasts of this Kingdom, and the Coal-Trade.

Resolutions for
raising the Na-
vy Supply.

That towards the raising 700,000*l.* for the Navy, a Tax be laid upon all Ground-Rents for new Buildings, upon new Foundations within the Bills of Mortality since March 25, 1660. except such as are within the Walls of London.

That Provision be made in such Bill against the Increase of new Buildings

That towards the said 700,000*l.* an additional Excise be laid upon Beer, Ale and other Liquors, except Coffee, Chocolate, Tea, spirituous Liquors, and low Wines, for three Years, from June 24, 1689, according to the Rates in the Act of 29 Car. II. for an additional Excise.

That

That a Bill be brought in for applying to the public Use all such pecuniary Forfeitures as have been incur'd for accepting and exercising any Office, or Employ, contrary to the Act of the 25th of Car. II. for preventing Dangers from Popish Recusants: And that such Persons, who have so acted, may not be employ'd for the future. (To this an Instruction was added, for a Clause to comprehend all Forfeitures on Informations then depending.) And that a Committee be appointed to receive Proposals for raising Money upon Security of Lands forfeitable in Ireland, for the present Rebellion.

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1684

May 1. Mr. Gwyn reported to the House, the Case of *The remarkable Case of Edward Prideaux Esq* Edmund Prideaux Esq; which in Substance was as follows: That the said Edmund Prideaux Esq; was seiz'd at his own House, (Ford-Abbey in Devonshire) June 19. 1685, by one of the late King's Messengers, in virtue of a Warrant signed by the Earl of Sunderland, Secretary of State, on Suspicion of Treason, and brought to London, where he continued a Prisoner at the said Messenger's House, till discharg'd by *Habeas Corpus* July 14, on giving Security for his Appearance the next Term. In evidence of which, the Original Warrant sign'd by Lord Sunderland was produc'd. And Saywell, the said Messenger, confess'd the Execution. The Warrant was dated June 13. and the Duke of Monmouth landed at Lyme the 11th. That the said Prideaux several times desir'd to be heard before the Council, but was constantly refus'd, which was confirm'd by Saywell and a Kinsman of the said Prideaux's, who was likewise Bail for him, together with one Mr. Craig, in the Sum of 2500 l. each, Mr. Prideaux himself being answerable for his own Appearance, in the Penalty of 5000 l. That the said Prideaux being committed a second time (to the Tower) his Wife petition'd the King that he might be examin'd, but could obtain no Answer, which was confirm'd by one Mr. Slater. That during his second Confinement, no body was permitted to see him for several Weeks, and it was with great difficulty his Wife at last procur'd leave, on the hard Condition of being confin'd with him; which she consented to, till an Indisposition oblig'd her to sollicite a Release, which was confirm'd by one Mr. Slaughter. That while the said Prideaux was kept thus closely confin'd in the Tower, all the Prisoners and condemn'd Persons in the West, (on account of Monmouth's Invasion,) were temper'd with by the Agents of Lord Jeffreys, with Threats and Promises of Life, to be his Accusers, as was witness'd by Mr. C. Speke before his Execution; as likewise to Mr. William Thompson of London Haberdasher, Mr. Joseph Standerwich Serge-maker, and Mr. Samuel Key, Clothier, both of Uminster. That the

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the said Prideaux could never to this day discover of what he was accus'd. That the said Prideaux, his Wife, Lady Tooker his Sister, and Mr. Bullstrode, one of the Gentlemen Ushers, having apply'd to several Persons of Quality to solicit the King in his Behalf, were one and all inform'd by the said Persons of Quality, (of whom the Earl of Tyrconnel is mention'd by Name) That nothing was to be done; *For that the King had given the Prisoner to the Lord-Chancellor, (Jeffreys.)* That Mrs. Prideaux then saw the Necessity of applying to the said Lord-Chancellor, and accordingly did by the Interposition of one Mr. Jenkins and one Mr. Jennings, the last of which undertook to procure his Pardon for 10000*l.* which being demurred to on account of the Extravagance of the Sum, the Demand was next rais'd to 15000*l.* and insisted upon, on pain of his being left out of the general Pardon: That thereupon by the Friendship of Sir Robert Dashwood the said Sum was rais'd, and, with the Abatement of 240*l.* for prompt Payment of. 2400*l.* part of the said 15000*l.* was paid to Sir Robert Clayton, on account of Lord Jeffreys, who, likewise, acknowledged the same; and that since the Payment of the said Sum, Lord Jeffreys has made a Purchase of two Estates of the Duke of Albemarle's, for which he paid about 34000*l.*

Order thereon.

Order'd, That Leave be given to bring in a Bill, to charge the said two Estates purchas'd by the late Lord Jeffreys, with the Re-payment of the Sum of 15000*l.* and Interest, which was by him extorted from Edmund Prideaux Esq;

Several Bills
pass'd.

The same day the King came to the House of Peers, and gave the Royal Assent to the following Bills. 1. *An Act for raising Money by a Poll-Tax.* 2. *An Act for preventing Doubts and Questions concerning the collecting the public Revenue;* and one private Act.

A Bill from the
Lords rejected.

The 4th, an engrossed Bill from the Lords, making and declaring it to be Treason, to keep any Intelligence, or maintain any Correspondence with the late King James, being read a second time, a Motion was made to commit it, but over-ruled; and then it was rejected without a Division.

The King
thanks the
House for their
Address for a
War with
France.

The 7th, Mr. Hampden signified, That his Majesty had been pleas'd to command him to acquaint the House, that he will presently issue forth a Declaration of War against France, and that he is encouraged thereto by the Assurance this House hath given him of their Assistance; and that his Majesty was graciously pleas'd to command him to return his Thanks to the House for it.

The Bill of
Rights and Set-
tlement of the
Crown.

The 8th, a Bill for establishing the Articles presented by the Lords and Commons to their Majesties, and for settling the Crown, was read a third time; and an engrossed Proviso

viso was offer'd as a Rider to be made part of the Bill, which Anno 1 W. & M.
was as follows : 1689.

Provided always, and it is hereby declar'd, by the Authority aforesaid, That nothing in this Act is intended to be drawn into Example, or Consequence, hereafter to prejudice the Right of any Protestant Prince or Princess in their Hereditary Succession to the Imperial Crown of these Realms.

A Proviso offer'd.

An Amendment was then propos'd to the said Proviso, by leaving out the Word (*hereafter*) and inserting in stead thereof these Words, *after the Limitations herein mention'd*: And the previous Question being put, it pass'd in the Negative, Yeas 125, Noes 179. And an Amendment.

An engrossed Clause was then offer'd as a Rider to be made part of the Bill, which was as follows : Likewise an engrossed Clause.

That from and after this present Session of Parliament, no Dispensation by *Non-obstante* of or to any Statute, or any part thereof, shall be allow'd; but that the same shall be held void, and of none effect; except a Dispensation be allow'd of in such Statute. Provided, that no Charter or Grant of Pardon before June 1, 1689, shall be any ways impeach'd, or invalidated by this Act; but that the same shall be and remain of the same Force and Effect in Law, and no other than as if this Act had never been made.

To this the House agreed, and *Resolv'd nem. con.* that the Bill do pass. The Bill pass'd.

The 10th, the House in a Committee on the Supply, *Resolved*, That a Subsidy be granted their Majesties of 12 d. in the Pound for one Year, upon all Lands and Houses, &c. according to the true intrinsic Value; as likewise on all personal Estates, Household Goods and Stock excepted; and also upon Offices and Employments, those of the Army and Navy excepted: and a Bill was order'd accordingly. 12 d. in the Pound Land-Tax granted.

The same day George Speke Esq; presented a Petition to the House, complaining of certain arbitrary Prosecutions against him, by Mr. Burton and Mr. Graham, on pretence of Treason, by which means a Verdict was obtained against him, and a Fine set upon him of 2000 Marks: That afterwards, by indirect means, a Bill of High-Treason was found against his Wife, and that he was oblig'd to compound the Matter at the Expence of 5000 l. and praying Relief. Upon which a Committee was appointed to examine the Matter of Fact, and report the same to the House. The Petition of G. Speke Esq;

The 11th, the King came to the House of Peers, and gave the Royal Assent to *An Act for the better securing the Government, by disarming Papists and reputed Papists. An Act, that the symoniacal Promotion of one Person may not prejudice another. An Act rectifying a Mistake in a certain Act of this present Parliament, for the removing Papists from London and Westminster.* The King gives his Assent to several Acts.

Anno 1760. & M. Westminster. A Naturalization Act; and, An Act for reversing the Attainder of Algernon Sidney.

Two Members
discharged for
refusing the
Oaths.

The 13th, Sir Henry Monson and Lord Fanshawe, both Members, being call'd upon by the House to take the Oaths; and both excusing themselves, as likewise protesting they were no way inclined to disturb the Government, and submitting to the Pleasure of the House, they were discharged from being Members, and new Writs were order'd for two others to be elected into their Room.

Petition of the
Trustees to the
Will of Lord
Jeffreys.

The 14th, a Petition was presented to the House by the Trustees for the Children and Creditors of the late Lord Jeffreys, desiring to be heard by Council against a Bill then depending in the House, for allowing 14,600*l.* out of the Estate of the said Lord Jeffreys to Edward Prideaux Esq;

A Vote relating
to the Bill of
Indemnity.

The same day the Exceptions in the Bill of Indemnity being taken into Consideration, it was resolved, that in proceeding upon the said Bill, the Crimes be first declar'd, for which some Persons shall be exempted, for Vindication of public Justice.

The 15th, the Reasons to be offer'd to the Lords at a Conference for disagreeing with their Lordships Amendments to the additional Bill, were reported to the House; but, either for being too diffus'd, or too peremptory, were re-committed.

Report of the
Committee on
the additional
Excise, Ground
Rents, and For-
feitures.

The same day, another Committee appointed to make an Estimate of what the additional Excise, and the Tax on Ground-Rents and Forfeitures, might amount to, made their report to the following purpose:

That, as to the Forfeitures, many Difficulties and Uncertainties had occur'd, *viz.* Whether some that were named as Commissioners, had acted in their Offices? Whether others are not insolvent? Whether others have qualified themselves to act; and whether several are not omitted? But on the whole, they were of opinion, that the Forfeitures in the several Counties (Bedford, Devon, Lincoln, and Cardigan excepted, of which no Lists had been brought in) may be estimated at 348000*l.*

That the additional Excise at 9*d.* per Barrel may amount to 120,000*l.* per Anni. and that as to the Ground-Rents, they have as yet no Lights sufficient to make an Estimate.

The 17th, several Amendments were read to the Toleration-Bill, and agreed to; but a Motion being made to limit the said Bill to several Years only, it pass'd in the Negative, and it was ordered to be sent up to the Lords.

Lady Ar-
mstrong's Peti-
tion.

The 18th, a Petition of Lady Catherine Armstrong, and of Catherine, Jane, and Mary, her Daughters, was read, setting forth, That Sir Thomas Armstrong being unduly outlaw'd,

outlaw'd, &c. was illegally ordered to be executed by Lord Chief Justice Jeffreys, &c. which Sentence was accordingly perform'd, and his real and personal Estate, Value 12000 l. thereupon seiz'd to the Use of the Crown; which had reduc'd the Petitioners to great Want: as, therefore, the House had declar'd the said Proceedings illegal; they propos'd Reparations out of the said Lord Jeffreys's Estate, and that the House would recommend their Condition, &c. to his Majesty, that such Reparation may be order'd them accordingly. This Petition was order'd to lie on the Table.

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The same day, Mr. Wilmore, Foreman of the Jury that brought in their Verdict *Ignoramus*, when an Indictment was laid against Stephen Colledge for High-Treason, petition'd, likewise for Reparation of many thousand Pound Damages, &c. sustain'd by the Prosecutions he suffer'd on that account. Referr'd to the Committee on Mr. Speke's Affair.

And Mr. Wilmore's.

The 21st, the House having before order'd that the Thanks of the House should be given to Admiral Herbert, and by him to the Officers and Seamen under his Command, for their good Services in his late Expedition against the French; Mr. Speaker address'd himself to the Admiral, as follows:

'Admiral Herbert, This House hath taken notice of the great Service you have performed in engaging the French Fleet; they do look upon it as one of the bravest Actions done in this last Age, and expect it will raise the Reputation of the English Valour to its antient Glory. I do, therefore, by the Command of this House, return you their hearty Thanks for this Service, and desire you will communicate the like Thanks in their Names to the Officers and Seamen, that serv'd under your Command; and to let them know, that this House will have a particular Regard of their Merits, and take care, as much as in them lies, to give them all due Encouragement.'

The Speaker's
Speech of
Thanks to Ad-
miral Herbert.

To which the Admiral made this Reply: 'Sir, I am in confusion at this great and unexpected Honour, and the more, because I want Words to express myself of it: the best Return I think myself capable of making, is to assure this honourable House, that, with my utmost Hazard, I will endeavour by my future Actions to deserve it; and will not fail to obey their Commands, in acquainting the Officers and Seamen who were with me, of the favourable Acceptation by this House of their Service. And, since they have so favourable an opinion of their Actions, I would beg their leave to make an humble Motion; and I think 'tis a thing becoming the Greatness of this Nation, and, indeed, has been the care of almost all Nations, that have any Com-

The Admiral's
Reply.

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merce at Sea: It is to assign some Place and Revenue for the Support of such as are main'd in the Service and Defence of their Country. There is no sufficient Provision made at present in this Kingdom, and indeed it is too great a Charge for the Crown: Therefore I humbly move, it may be order'd by this House, that they may have a Support and Subsistence, after they have, by Wounds, been incapable of further Service.

Resolution in
favour of wound-
ed Seamen.

This was follow'd by a Resolution, that the House will take care to make a Provision for such Seamen, as are or shall be wounded in their Majesties Service, and for the Wives and Children of such as shall be slain; and a Committee was appointed to consider how the same might be done.

The 22^d, the Committee to whom it was a second time refer'd to draw up Reasons for disagreeing with the Lords Amendments to the additional Poll-Bill, made their Report as follows:

Reasons for not
allowing the
Lords Amend-
ments to the ad-
ditional Poll-
Bill.

Reasons, &c. The Lords insert a Clause for the Lords appointing Commissioners to rate themselves, in respect of their Offices and personal Estates, and freeing their Persons from Imprisonments, and for appointing a Collector to receive their Assessments.

To which Clause the Commons disagree;

1. Because the Bill now in question taxes Commoners only.

2. Because the Poll-Bill, already pass'd, hath sufficiently provided for taxing all the Nobility; to which the Lords have consented.

These Reasons being approv'd, a Conference was desir'd with the Lords thereon.

The same day an Address was read, to be presented to his Majesty, in favour of the Irish Protestants; but being understood as not agreeable to the Order of the House, it was re-committed.

Dr. Oates's
Petition.

The 23^d, Dr. Tirus Oates deliver'd a Petition to the House, setting forth his Services in the Discovery of the Popish Plot, and his Sufferings on that account; as the withdrawing the King (Charles's) Protection and Subsistence; his being prosecuted in an Action of *Scand. Mag.* for speaking Truth of the Duke of York, and cast in a Verdict of 100,000*l*. His being committed to the King's Bench thereon; his being sued twice in the next Reign for Perjuries; his being fined 2000 Marks; his Pillorying and cruel Whippings, Imprisonments, &c. to the manifest Danger of his Life, and Destruction of his Constitution; praying the present Parliament to justify the Proceedings of their Predecessors,

to take his Case into consideration, and to recommend him Ann. 1 W. & M. 1689. to the Bounty and Protection of his Majesty.

Order'd, That Mr. Oates be heard at the Bar, by his Council.

The same day the House agreed with the Committee appointed to prepare Heads for the Bill of Indemnity, in the following Resolutions :

1. That the asserting, advising, and promoting of the dispensing Power and suspending of Laws without Consent of Parliament, as it has been lately exercis'd, and the acting in pursuance of such pretended dispensing Power, is one of the Crimes for which some Persons may justly be excepted out of the Bill of Indemnity, for the Safety, Settlement, and Welfare of the Nation for the future, and the Vindication of public Justice. Exceptions voted in the Act of Indemnity.

2. That the Commitment and Prosecution of the seven Bishops, is another Crime, for which some Persons may justly be excepted out of the Bill of Indemnity.

3. That the advising, promoting, and executing the Commission for erecting the late Court for Ecclesiastical Causes, is another Crime, &c.

4. That the advising the levying Money, and the collecting the same for and to the Use of the Crown, by pretence of the Prerogative, for other time, and in other manner than the same was granted by Parliament, is another Crime, &c.

5. That the advising the raising and keeping up a standing Army in time of Peace, without Consent of Parliament, and the Quartering of Soldiers is another Crime, &c.

6. That advising, procuring, contriving and acting in the Surrender of Charters, and in the Alteration and Subversion of Corporations, and in procuring new Charters, and the violating the Rights and Freedoms of Elections to Parliament, to Counties, Cities, Corporations, Boroughs, and Ports, and questioning the Proceedings in Parliament, and out of Parliament by Declarations, Informations, or otherwise, are Crimes, &c.

7. That undue Constructions of Law, and the undue and illegal Prosecutions and Proceedings in capital Crimes, are other Crimes, &c.

8. That the undue Returns of Juries and other illegal Proceedings in civil Cases, are other Crimes, &c.

9. That the requiring excessive Bail, imposing excessive Fines, giving excessive Damages, and using undue Means for levying such Fines and Damages, and inflicting cruel and unusual Punishments, are other Crimes, &c.

10. That the advising King Charles II. and King James II. by some of their Judges and Council, that Parliaments

Anno 1 W. & M. need not be call'd according to the Statutes, is a Crime,
1689. &c.

Major Wild-
man's Report
concerning Mo-
ney issued from
the Exchequer
for Crown Pro-
secutions, &c.

Major Wildman, then, upon the Motion of Sir Thomas Littleton, deliver'd in his Report from the Committee appointed to inspect and examine the Accounts, in the hands of Mr. Auditor Dove, of all such Sums of Money as have been paid out of the Exchequer to Mr. Grahme, or Mr. Burton, or either of them for Crown Prosecutions, &c. which was in substance, as follows :

That from the Year 1678 to 1688, Mr. Burton charged himself with having received out of the Exchequer for Crown Prosecutions, &c. 42116l. 9s. 6d. But was charg'd by Sir Robert Howard's Accounts, with 42616l. 9s. 6d. which makes a difference of 500l. unacknowledg'd; that he charg'd himself with having receiv'd of Mr. Guy for the like Uses, 1428l. 0s. 10d. Total of both Receipts, 43554l. 10s. 4d. Total of his Discharge, 43522l. 19s. 2d. Due to the King from the said Burton, (supposing his Accounts were allow'd,) 531l. 11s.

That Mr. Burton and Mr. Grahme charge themselves jointly, with having received from the Exchequer, 4671l. 4s. 6d.

That they jointly account for 6935l. 14s. 6d. which is alledged in the said Account to be paid by Mr. Burton to Mr. Grahme out of the Money charged upon the several Accounts of Mr. Burton: That they farther charge themselves with 12466l. 13s. 6d. received of sundry Persons, by his (late) Majesty's Direction.

That by their joint Account they alledge, they have expended in Law-Suits the full Sum of 12466l. with an Overplus of 1500l. but do not acknowledge the 600l. charg'd to them by Sir Robert Howard, as a Reward for prosecuting Colonel Whitley and Lord Oswellson, over and above 3 Years Salaries.

That it appears by the Accounts of the said Burton and Grahme that most of the said Moneys were paid to Witnesses, Jurors, Solicitors, Council, and to themselves in Prosecutions of pretended Criminals.

That, for Instance, they pretend to have expended, in prosecuting for their Lives Lord Delamere, 535l. 6s. 5d. Mr. Hampden (for pretended Correspondence with Colonel Armstrong) 527l. 1s. 6d. Alderman Cornish, 346l. 11s. Mr. Hays 232l. 7s. 4d. Earl of Devonshire, 218l. 2s. 5d. Sir Samuel Bernardiston, 717l. 3s. 4d. Sir Thomas Pilkington, 264l. 7s. 10d. Mr. Samuel Johnson, 181l. 16s. 4d. Dr. Oates, 3037l. 9s. 6d. The seven Bishops, 183l. 1s. In procuring a *Quo Warranto* against the City of London, 1000l. 14s. 2d. and against 80 other Corporations on the like Account, 1197l. 9s. 8d.

That

That it appears they expended several Sums contrary to the Laws of the Land, as 3 and 5 Guineas a piece to Middlesex Jury-men, and in treating them sometimes, 25 l. sometimes 40 l. and sometimes 50 l. besides unwarrantable Fees to Sheriffs and other Officers about Juries.

That sometimes they retain'd 8, 10 or 11 Council in a Cause, to whom great Fees are set down.

That great Expences are charg'd in their Accounts for Defence of several Persons against their Fellow-Subjects, for Damages done them by the Partizans of the Designs of the late King; particularly in the Case of Sir John Moor, when many Actions were brought against him by the Citizens of London, for arbitrary Proceedings in the Election of Sheriffs.

That it appear'd on the Examination of several Persons, that the said Burton and Grahme, then were employ'd in procuring, hiring, and otherwise influencing Witnesses against the abovemention'd pretended Criminals.

In which they were assisted by Sir Roger L'Elstrange and one Hawes. That they offer'd one Cragg a Prisoner, 100 l. quarterly, if he would become Evidence against the Earl of Macclesfield, Lord Delamere and Major Wildman. But he refusing, they caus'd him to be kept a close Prisoner in Newgate, without Fire or Candle, 40 Weeks.

That they were the principal Instruments against Stephen Colledge at Oxford; that together with the Attorney-General, they deny'd the said Colledge (who was condemned and executed) a Copy of his Jury, the use of his own Papers, and other Benefits of the Law.

That several other Witnesses concurr'd in their Evidence, that the said Burton and Grahme, were employ'd in almost all the illegal Prosecutions of the last eight Years.

That tho' no Cause is assign'd in the Writ of the Peers, for committing the late Lord Jeffreys to the Tower, they find it to be notorious, that he was instrumental in the undue and illegal Prosecution, &c. of Lord Russel, Colonel Sydney, Fitzharris, Colledge, and Armstrong. And it is expressly avowed in the Accounts of the said Burton and Grahme, that the said Jeffreys undertook the Prosecutions in the West, after Monmouth's Invasion, and received of the said Burton and Grahme, 1416 l. 10 s. for the Job. To which may be added, that the said Burton and Grahme paid to other Commissioners on the Estates of attainted Persons 1117 l. 18 s. 10 d. more.

That the said Jeffreys past several Grants under the great Seal to violate, transgress, and supersede the Laws; many shocking Particulars of which are enumerated, especially relating to the tyrannical Powers delegated to the High Commission Court, of which the said Jeffreys was appointed to be of the *Quorum*, and sat accordingly.

That

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That Sir Robert Wright, late Lord Chief-Justice, and Sir Thomas Jenner late one of the Justices of the Common-Pleas, had likewise a principal Concern in these arbitrary Proceedings; for which, in the Opinion of the Committee, they were involved in the Subversion of the Laws and Government of this Kingdom.

Resolutions
thereon.

Sir Thomas Littleton then moved, by the direction of the Committee, that the Chairman of the Grand Committee of Grievances might bring in the Commissions and other Writings relating to the Court for ecclesiastical Causes. And a Resolution was pass'd accordingly; as likewise that Schedules of Grahme and Buron's Accounts be deliver'd to the Clerk of the House, to be kept for the Service of the House; as likewise, that the former Committee to whom it was referr'd to examine the Cases of Prisoners in the Tower, Newgate, and the Gate-House be reviv'd, and do examine the Writings taken with Mr. Brent, and make a Schedule of them.

The Petition of
Lady Lisle's
Daughters.

The 24th, a Petition was deliver'd to the House by the Daughters of the Lady Lisle, beheaded at Winchester, setting forth, That, upon the Duke of Monmouth's Defeat, she was seiz'd by a Troop of Horse at Winchester, her House plunder'd, to some thousands of Pounds Value. That she was, afterwards, imprison'd, and try'd at Winchester for harbouring one John Hicks Clerk, as knowing him to be a Traitor, tho' at that Time not indicted as such; and by a Verdict, injuriously extorted, by the late Lord Jeffreys, convicted, and executed for High-Treason; whereby the Petitioners were left destitute of their Fortunes, and forced to subsist on the Charity of their Relations, and praying the Consideration of the House, and what they should think sui able to their Necessities out of the Lord Jeffreys's Estate.

Ordered to lie upon the Table.

And of Reginald
Tucker.

The same Day a Petition from Reginald Tucker was read, setting forth, That being obnoxious for his Zeal to the Protestant Religion, he was try'd, as a Favourer of the Duke of Monmouth, at Wells, and condemn'd to die by Sir Francis Withins, but repriev'd by the late King during Pleasure; who gave the Petitioner's Estate, real and personal, unto Theophilus Oglethorpe, and kept him in Prison from March till December, 1689. So that he, and his four Children were expos'd to great Misery. That the Petitioner's Wife Chatherine, instead of purchasing a Pardon for him, was, before his Tryal, married to one Vaughan, by Means of Sir Thomas Williams, for which the said King pardon'd her; and praying the said Sentence of Attainder might be revers'd, and that a Divorce might be granted him from his Wife, & *Vinculo Matrimonii*, the ecclesiastical Courts having only granted him a Separation & *Thoro & Mensa*.

Ordered,

Order'd, That it be left to the Committee to whom Mr. Speke's Petition is refer'd. Anno 1 W. & M. 1689.

The same day, the King came to the House of Peers, and gave the Royal Assent to *An Act for exempting Protestant Subjects from the Penalties of certain Laws: An Act for annulling the Attainder of Alicia Lisse, Widow: And a private Bill.* Several Acts pass'd.

The 25th, the Complaints of sundry Petitioners, against the East-India Company, were argued at the Bar, by Council on both sides: And was refer'd to a farther Hearing.

The 27th, Mr. Speke put in a second Petition, rating his Damages, arising from Court-Prosecutions at 10,000l.

The same day, a Petition of several Citizens of London was read, setting forth, That being indicted and try'd for a pretended Riot, before the late Lord Chief-Justice Saunders, he deny'd the Petitioners their Challenges to the Array: And refus'd to seal a Bill of Exception; by which undue means, the Defendants were found guilty. That after the Verdict, Sir Thomas Jones, Sir T. Raymond, and Sir T. Williams, rejected a Motion in the Petitioners Behalf for filing a *Posse*, which had been conceal'd by Mr. Ward of the Crown-Office; which *Posse* would have discharg'd the said Verdict. That the Petitioners (Chief-Justice Saunders being dead) were by the said other three Judges unreasonable-ly fined, and, by Imprisonment, forc'd to pay the same. That the said Proceedings are grievous to the Petitioners, and relievable only in Parliament, and that therefore they pray Redress, &c. The Petition of several Citizens of London.

Refer'd to the Committee on the Affair of Wilmore.

The same day, Sir William Pulteney reported to the House, the Result of a Conference with the Lords, touching the Amendments made by the House to *the engross'd Bill for enabling Lords Commissioners of the Great-Seal, to execute the Office of Lord-Chancellor, or Lord-Keeper*: The amount of which was, That Lord Cornwallis had manag'd for the Lords. That the Lords had rejected some of their Amendments, and agreed to certain others, with Amendments of their own. The said Amendments were then read; some of which were allow'd; and others rejected, on a Division of 149, against 112. And a Committee was order'd to prepare Reasons to be offer'd to the Lords, at a farther Conference.

The same day, likewise, the Lords signify'd by Message, that they had pass'd the Bill to enable their Majesties to commit suspected Persons without Bail; without any Amendments. A Bill pass'd, to commit suspected Persons without Bail.

After which, the Lords having desir'd a present Conference on the *Additional Poll-Bill*, Mr. Hampden made the following Report of the same.

'That the Lord Huntington manag'd the Conference for the Lords, and said the Lords insisted upon their Amendments; for which, they gave these Reasons:

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The Lords Reasons, offer'd at a Conference; on the additional Poll-Bill.

1. That it is the common Course of Parliament, to pass explanatory Acts of any Thing that has been omitted or ill express'd in any other Act pass'd in the same Session, and one of that sort has pass'd this present Session.

2. That the House of Commons have, in this Bill, taken care of Serjeants-Inn, and the Inns of Court, and Chancery, That they should be rated by their own Members; and that, since there is no comparison to be made between them and the Peers of England, therefore the Peers ought to be rated by none but those which are of their own House.

3. That the House of Peers, out of their extraordinary Zeal, for the reducing Ireland, and the Poll-Bill coming up so late to them from the House of Commons, that they had not so much Time to deliberate upon every Part of it, as had been necessary, if so pressing an Occasion would have allow'd it, did make this Omission: which, for that Reason, ought not to turn to their Prejudice; it being their undoubted Right, which had been preserv'd to them in all former Poll-Bills; and, particularly, in the last, which pass'd in the 29th of Charles II. the Proviso being conceiv'd in the same Terms, with the Proviso now offer'd.

Unsatisfactory
to the Com-
mons.

Upon hearing these Reasons, a Debate arose in the House, which was post-pon'd till the 29th, when the Question being put to agree with the Lords, it pass'd in the Negative, *neg. con* and a free Conference was desir'd with the Lords, thereon.

The 28th, an Address for the Relief of Irish Protestants, being read for the first Time; and it being propos'd that one Means of furnishing that Relief, should be by applying part of the Stock, belonging to the late King, in the East-India, and Guinea-Companies; Mr. Papillon acquainted the House with the Particulars of the said Stock, as follows, *viz.*

An Account of
Stock, held by
the late King.

That at different Times, and of different Persons in 1684, the Duke of York had purchas'd 3000 l. East-India Stock. That a Transfer of 7000 l. Stock more was made from the separate Account of George Boone, to King James in 1682.

That the said King James had, by a Transfer, dated at St. Germain's, made over 3000 l. of the said Stock to James Grahme, which Transfer was allow'd by the Company; and that the said James Grahme hath since transfer'd the said Stock as follows, to Josiah Child Esq; 500 l. to William Sheppard 1200 l. and to Richard Stern, Esq; 1300 l.

That in 1674, the Duke of York had Credit for 3000 l. in the Guinea or African-Stock. Which he has since transfer'd at St. Germain's, to the said James Grahme, who has likewise transfer'd 2500 l. of the said Stock to several other Persons.

And,

And that the Duke of York, in 1676, had Credit for **Ans: 1 W. & M. 1689.**
 300 l. Stock in the Hudson's-Bay Company which continues
 still undisposed of.

Resolv'd, That his Majesty be desir'd to distribute 15,000 l. Relief voted, to
 among the Irish Nobility and Gentry: And that a Clause the Irish No-
 be inserted in the above-mention'd Address, agreeable to bility and Gen-
 the said *Resolve*. try, out of the
 same.

The same day, the King came to the House of Peers, and The Bill pass'd
 gave the Royal Assent to *An Act for committing suspected for committing*
Persons without Bail: And a private Act. suspected Per-
 sons, without
 Bail.

The 29th, the House proceeded, first, on the Affair of Another Ex-
 the East-India Company, and afterwards to the *Bill of Indemnity*, ception in the
 when it was *Resolv'd*, That the Bailing (by the Court of Bill of Indem-
 King's-Bench) Persons committed by Impeachments, by this nity.
 House, is one of the Crimes, for which some Persons may
 be justly excepted out of the Bill of Indemnity.

The same day, Mr. Foley deliver'd in a long Report, from the Committee appointed to enquire, who were the
 Authors and Advisers of several Grievances, relating to the
 City of London. The Amount of which, was, that Sir
 John Moore, Lord-Mayor of the said City, in 1682, had
 by divers indirect, violent, and arbitrary Means, and with
 the Assistance of the Soldiery, invaded the Privileges of the
 Citizens, in declaring North and Rich to be Sheriffs, when
 the Numbers on cloing the Poll, were found to be;

For Mr. Papillon ————— 2750.

Mr. Dubois ————— 2706.

Mr. North ————— 1552

Mr. Box ————— 1606

That those Citizens, who were most active in opposing
 these illegal and unjust Proceedings, were afterwards in-
 dicted for Riots, under the Direction of Burton, and
 Grithme, and fined, as follows :

	l.	s.	d.
Thomas Pilkington —————	500	00	0
Samuel Shute —————	666	13	4
Silingsby Bethel, who was not present at the Election, tho' indicted for a Riot —————	666	13	4
Henry Cornish —————	666	13	4
Sir Thomas Player —————	333	6	8
Samuel Swinnock —————	333	6	8
John Deagle —————	266	13	4
Richard Freeman —————	200	00	0
Francis Jencks —————	200	00	0
John Deagle —————	137	6	8
John Wickham —————	66	13	4
Robert Keys —————	100	Marks.	

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Which Fines were set upon them, by Mr. Justice Jones, afterwards Chief of the Common Pleas.

That Mr. Papillon and Mr. Dubois after this bring each a Mandamus to be sworn Sheriffs, as being duly elected, to which the Lord-Mayor, Aldermen and Sheriffs, *viz.* North and Rich, made a Return that they were not duly elected.

That upon this, Papillon and Dubois bring their Action against Sir William Pritchard (the new Lord-Mayor) Sir Dudley North, Sir Peter Rich, &c. The Writs being directed to the Coroner, he waited on them 3 or 4 Months to desire their Appearance, but they slighted him, till the Time of the Return was out: After which, the Writs being renew'd, he arrested the Lord-Mayor; who said there must be some Plot to take up all the Magistrates of the City. To whom the Coroner reply'd, he knew of none. And that if they would give Bond to appear, they might be immediately discharg'd. But the Lord-Mayor refus'd, and the Lieutenantcy were order'd to come thither with their Troops, who threaten'd to pull down the Coroner's House. That, while this was in Debate, they found means to send the Coroner to the Compter, upon an Action once enter'd for a real Debt by his consent, but afterwards countermanded. That when he was in the Compter, they suffer'd none to come to him, and in the mean time, took advantage of his Absence, and so went their way. That the next Morning the Coroner went to the Lord-Mayor, but was deny'd Access by certain Persons, who drew their Swords upon him, and threaten'd to run him through. That Sir William Pritchard afterwards brought his Action against Papillon and Dubois, and the last dying in the mean while, obtain'd a Verdict against Papillon, on account of the Arrest, with 10,000 l. Damages.

That before any of those Proceedings, a *Quo Warranto* was brought in the Name of Sir Robert Sawyer, carried on by Burton and Grahme, against the City of London, upon which Judgment was given against the said City, by the Justices, Jones, Raymond and Withins, some of whom declar'd, they had, likewise, the Concurrence of Saunders, then Lord Chief Justice; tho' it was attested to the Committee, that Saunders was both speechless and senseless, when they came to him.

That it farther appear'd, that Pemberton, and Dolbin, who were Justices of the King's-Bench, were remov'd from that Court, their Opinions having been discover'd to be against this Information brought against the City.

The whole Report was clos'd with a Resolution of the Committee; That it was their Opinion, That Sir John Moore, and Sir Dudley North, were two of the Authors of the Invasion made upon the Rights of the City of London in the Election of the Sheriffs for the said City, in 1682.

The

The 31st, Sir Thomas Littleton reported from the free Conference with the Lords, on the *Additional Poll-Bill*, That the Lords, Rochester, and Huntington, and Bishop of Salisbury manag'd for the Lords: To whom the Commons urg'd the Reasons of the House, for not agreeing with the Lords, in Substance as follows:

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' That as in this *Additional Poll-Bill*, none but Commoners were tax'd, they inferr'd their Lordships had no colour of Reason to meddle with it; or to name Commissioners to tax the Peers, in a Bill that did not tax the Peers.

Sir Thomas Littleton's Report of the free Conference with the Lords.

' That there was no Omission in the former Poll-Bill, which was pass'd and agreed to by the Lords; but by the Consent of both Houses; the Nomination of Commissioners was left to the King, (indeed, so restrain'd, that the King was to name them out of the Commissioners in the said Act,) who were to tax all the King's Subjects, both Lords and Commons; As therefore, the Lords had included themselves in that Bill, the Commons think it hard, their Lordships should urge any subsequent Bill, to supply a Defect of the former.

' That the Lords pleaded to this, Inadvertency and their own Zeal to give the former Bill a quick Dispatch; and farther, that they had several Precedents of their naming Commissioners. And that they, likewise, thought it hard that their Oversight should turn to their Prejudice.

' To which the Commons reply'd, That if the Commission had been such, that no Commissioners had been named at all, the Commons would have agreed to their Lordships present Demand, rather than their Lordships should not be tax'd. But Commissioners being already named, the Commons thought any Alteration went a great way to repeal the Act. That the Commissioners so named, might probably be enter'd upon their Office, and were already Taxing their Lordships, at least, they would soon do it, if this Clause be not admitted: Therefore, if the present Commissioners, as the Law stands, and the Lords have consented, be no Authority to tax them, the Commons thought it would be a Repeal of that Law, as *le st, pro tunc*; for their Authority must cease, who have it by the former Law.

' That, then the Lords insisted much, that tho' the Lords are not expressly tax'd, in this *additional Poll-Bill*, they have a sufficient Handle for their Demand furnish'd by it; by the Indulgence, it accords to the Inns of Court, and Chancery.

To this the Commons rejoind'd, (among other things which are so obscurely express'd as to be hardly intelligible) that the Reason of this Indulgence to the Inns of Court and Chancery, was owing to a pretended Privilege of theirs, of

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hindering all other Commoners from coming into their Jurisdiction: And so that this part of the Tax might not be lost, the Bill provided that the King might name Commissioners of themselves, but they did not name new Commissioners: And, that upon the whole matter, the Commons left it with their Lordships to consider, whether they will agree or no.

The Lords abide
by their Clause.

The Lords, the same day, desir'd another free Conference on the same Affair, in which they recapitulated what they had advanced before; insisted on this Opportunity to retrieve their Right, and adher'd to their Clause.

And the Commons by their
Bill.

When this was reported, the Commons likewise resolv'd to adhere to their Bill, without Amendments; and appointed a Committee to consider of the Methods of proceeding between the two Houses in passing of Bills.

An Enquiry voted
why Londonderry was not
relieved.

June 1, The House appointed a Committee to enquire what has been the occasion of the Delays in sending Relief over into Ireland, and particularly to Londonderry: That they make enquiry what Default was in relation to the Provisions that went over with the Soldiers to Ireland; and also very particularly into the Carriage of the Colonels Lundee, Richards and Cunningham; and to know the Reasons why the Relief sent to Londonderry was brought back again; and that they enquire into all other Miscarriages relating to Ireland and Londonderry.

June 3, Sir Thomas Littleton mov'd the House from the Committee appointed to make the said Enquiry, that his Majesty might be humbly desir'd to give Directions, that Copies of the Commissions and Instructions given, relating to Londonderry and the Kingdom of Ireland, may be transmitted to the said Committee; and also that Colonel Lundee (a Prisoner in the Tower) may be brought to the said Committee; and a Resolution was made accordingly.

The Petition of
John Culliford.

The 4th, a Petition of John Culliford was read, setting forth, 'That for zealously opposing the Election of Sir John Moore to be Lord-Mayor, and for detecting certain false Quotations from King James the first's Basilicon Doron, made by the Grand-Jury of Southwark in 1682, with a design to render the Dissenters obnoxious, he was, by the Instigation of the said Jury, seiz'd in London, without a Warrant, and hurried before one Piers, a Justice, who committed him to the Compter, with Orders to debar him from Pen, Ink and Paper; as likewise to let nobody speak to him, but keep him a close Prisoner in a Place where there was no Bed, and nothing but damp Earth to lie on, which was executed accordingly. That the next Session, one Seymour brought an Indictment against him, and that one Robert Stephens (a Messenger) seiz'd him without Warrant,

rant, and being accus'd before Sir W. Pritchard Lord-Mayor, by Hills the King's Printer, of having charg'd the Duke of York of Designs to subvert the Religion and Liberties of his Country, he was committed close Prisoner to Newgate, try'd at the Old Bailey, and by a pack'd Jury, return'd by North and Rich Sheriffs, found guilty without positive Proof, and was sentenc'd by Mr. Justice Withins to pay 200 l. Fine, to stand twice in the Pillory for an Hour, give Security for two Years good Behaviour, and be imprisoned till the Judgment was satisfy'd. That the first Day he was kept in the Pillory two Hours, during which time certain bloody-minded Persons from the top of the Change threw a Stone of several Pounds, which missing his Head, broke in several Pieces. That the next Term he was remov'd, at the Duke of York's Suit, to the King's-Bench, and charg'd with an Action of *Scandalum Magnat.* at 100,000 l. Damage; which was try'd the same Term, he being absent, by the Lord Chief Justice Jeffreys, by whose Direction another pack'd Jury found the abovesaid Damages, without Proof also. That being charg'd in Execution the next Term, he was lock'd up for half a Year in so close a Room, that he had almost lost his Eye-sight. That in the frosty Weather he had been hall'd out of his Chamber to a Hole not above 8 Foot Square, without any Fire-Place, loaded with double Irons: That he was afterwards thrown on the Common-side, where he continued for near half a Year lying in a Hole about 5 Foot Square, and 3 or 4 under Ground: That such barbarous Usage had several times almost reach'd his Life: That he had lain under the said Usage near five Years: That he had not recover'd his Health to that Day: That he had been really damnify'd to the Value of several thousand Pounds: That he submitted his Case to the tender Consideration of the House, and implored such Relief as to them should seem meet.

The same day, a Petition of John Topham Esq; was read, That of John Topham Esq; setting forth, ' That he being Serjeant at Arms, and attending the House in 1679 and 1680, when he was charg'd with the Execution of several Orders of the House to take into custody several Persons for Breach of Privilege: That the said Persons on the Dissolution of the Parliament being resolv'd to ruin the said Petitioner for executing the said Orders, did sue the Petitioner in the King's-Bench in several Actions of Trespass, Battery, and false Imprisonment; to which Actions the Petitioner pleaded the said several Orders of the House, which Orders were over-ruled by the then Judges, and Judgments given against him, in some of which excessive Damages were enjoined: so that to prevent farther Prosecutions, the Petitioner was forc'd to comply with

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And of Thomas
Swaddon, Gent.

with the Plaintiffs; having been a Sufferer for maintaining the Rights of this House above 1200 l. &c. And therefore praying the Consideration of the House.

A Petition of Thomas Swaddon was likewise read the same day, setting forth, 'That he was a Burgeſs of Calne in Wiltſhire, and oppoſing the *Quo Warrants* brought againſt the Charter of that Corporation, he was inform'd againſt in the Court of King's Bench as a diſaffected Perſon, &c. for which Lord Chief Juſtice Jeffreys ſentenced him to ſtand in the Pillory at Calne before his Tenants and Neighbours, and alſo at Salisbury; to pay a Fine of 1000 l. and give Security for his good Behaviour for Life. That, in conſequence of this Judgment, he had been confin'd three Years in the King's Bench to his Ruin: That he had paid ſeveral hundred Pounds in Fees to Burton, Grahme, Sir Robert Sawyer's Clerk, &c. That he had been forc'd to ſell one Part of his Eſtate, and mortgage the reſt; and therefore begg'd Reparation out of the plentiful Eſtates, obtain'd by Jeffreys and Brown, for regulating Corporations.'

All theſe Petitions were referred to the Committee, appointed to examine the Merits of Mr. Speke.

The ſame day a Petition of ſeveral Factors and Clothiers againſt the Exportation of Wool was read, and order'd to lie on the Table, till the Exceptions in the Bill of Indemnity ſhould be conſidered.

After which, a Debate ariſing on the ſaid Bill, whether a Pardon was pleadable againſt an Impeachment in Parliament? It was reſolv'd in the Negative without a Diviſion.

Another Excep-
tion to the Act
of Indemnity.

The 8th, the Houſe proceeded in the Examination of Complaints againſt the Eaſt-India Company, and the Queſtion being put, That ſuch Perſons as procur'd the Commiſſion to execute Martial Law in the Iſland of St. Helena, and ſuch as ſign'd Inſtructions for putting the ſame in execution, be excepted out of the Bill of Indemnity; as to thoſe Crimes the Houſe divided, and it paſſ'd in the Affirmative, Yeas 157, Noes 138.

Proceedings on
the Abufe of
Aulnage.

The 11th, a Report was read by the Committee appointed to conſider the Petitions againſt the Aulnagers, and the Abuſes of the Aulnagers in general, which concluded with the following Reſolutions:

That it is the Opinion of the Committee, that the ſearching and ſeizing of Cloaths and Pieces of Cloaths in the Shopkeepers hands, is not warrantable by any Law.

That the having ſearch'd or ſeiz'd Cloaths, or Pieces of Cloaths in the Shopkeepers hands by the Aulnagers, is unlawful, and an Abufe on the Subject.

Order'd, That Leave be given to bring in a Bill to regulate the Abuſes in the Collection of the Aulnage.

The

The same day, Sir T. Littleton reported from the Committee on the Supply a Clause to reduce the Fees from 1½ to ½ in the Pound on all Monies granted this Session ; which, with some Amendments, was agreed to by the House.

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Proceedings on
the Supply.

A Proviso was also made to the Bill, that an Account be given to Parliament of all Monies given, or to be given this Session.

Another Proviso was then offer'd as follows :

Provided always, &c. That in case any Person or Persons shall obstinately refuse to pay the Rates assessed upon them by the Commissioners appointed to rate and assess them by this Act, by reason of not owning the Authority of the said Commissioners of this present Parliament, the same being prov'd by two Witnesses upon Oath ; that then every such Person and Persons shall incur the Danger and Penalty of a *Premunure*, mention'd in a Statute made in the 16th Year of King Richard the Second.

Resolv'd, That the said Proviso be referr'd to a Committee.

Another Proviso being likewise offer'd for lessening the Fees of the Treasurer and Vice-Treasurer of Ireland ; it pass'd in the Negative.

A Report being then made by Sir Robert Howard from the Journals of the Lords, of the Transactions of that House, in relation to the Reversion of the two Judgments of the King's Bench against Mr. Oates ; the Amount of which was, that the Lords had put a Negative on the said Reversion, with the Exception of thirteen Lords who had protested.

Proceedings on
Oates's Case.

Resolv'd, That the Prosecution of Titus Oates, upon two Indictments for Perjury in the Court of King's Bench, was a design to stifle the Popish Plot ; and that the Verdicts given thereupon, were corrupt, and that the Judgments given thereupon were cruel and illegal.

Resolv'd, That a Bill be brought in to declare the said Judgments illegal, and to reverse the same.

Resolv'd, That the Judgment against Samuel Johnson in the King's Bench, upon an Information for a Misdemeanour, was cruel and illegal.

Sentence against
S. Johnson in
the King's
Bench censur'd.

Resolv'd, That a Bill be brought in to reverse that Judgment.

The 12th, Sir William Pulteney reported the farther Reasons to be delivered at a Conference with the Lords, for not agreeing with their Lordships in their Amendments to the Bill, for enabling Lords Commissioners of the Great Seal to execute the Office of Lord Chancellor, or Lord Keeper ; which generally depending on Alterations of Words, and Scraps of Sentences, cannot be render'd intelligible, unless compar'd with the Bill itself.

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Further Pro-
ceedings on the
Bill of Indem-
nity.

Certain Persons
ordered to be
impeach'd for
dispersing King
James's Decla-
ration.

Which is or-
der'd to be burnt
by the Hang-
man.

Judges examin'd
why they had
been displac'd.

Clerks of the
Council exam-
in'd.

Sir Robert
Nappier's Re-
port of Mrs.
Fitz-Harris's
Case.

The House then proceeded to the Consideration of the Bill of Indemnity, and a Debate ensuing, whether a Committee should be appointed to examine who are concern'd in the several Heads of Exceptions, the previous Question was put, and carry'd in the Affirmative; and the main Question being put, it pass'd in the Negative.

The 13th, The House being informed that Sir Adam Blaire, Captain Vaughan, Captain Moyle, Dr. Elliott, Dr. Grey, and several others, had dispers'd a seditious and treasonable Paper printed, and entitled a Declaration of King James the Second; and the said printed Paper being read at the Table, *Resolved*, That the said Persons be impeach'd of High Treason for dispersing the said Paper.

Ordered, That the said printed Paper be burnt by the hands of the common Hangman.

The 14th, the House being informed that, according to their Order of Yesterday, the Lord Chief-Baron Atkins, Mr. Justice Dolben, Mr. Baron Nevil, Mr. Justice Powel, and Mr. Justice Gregory, attended at the Door;

Resolved, That they be call'd in, and ask'd for what Reason they were formerly displac'd from being Judges; a Chair was then order'd to be set for them within the Bar, and they were severally call'd in, and stood behind the same, the Serjeant with his Mace standing by on the Right Hand, and gave Answer to the Questions put to them by the House.

Sir Thomas Jones, Sir Francis Pemberton, Mr. Serjeant Montague, Sir Creswell Levens, Sir Francis Withins, and Sir Richard Holloway were then call'd in, and examin'd in like Manner.

After which the House being inform'd, that Mr. Bridgman and Mr. Brathwaite attended at the Door according to Order;

Resolved, That they be ask'd who were of the Privy-Council, at or about Lady-Day, 1681. and who were then of the Cabinet-Council, and whether any Roll, or Note was kept of their Names. And also, what Books and Papers they have of Returns of Persons Names, who would take the penal Laws and Tests, and where the same are, and what are become of them; and also, what Letters were sent to the Lord Lieutenants, and what Returns they made.

The 15th, Sir Robert Nappier reported from the Committee appointed to inspect the Case of Mrs. Fitz-Harris, That the said Mrs. Fitz-Harris had a Pension of 200l. *per Anni*. for 15 Years allowed her, on account of her Father, (who was Commander of the York Frigate) his being kill'd in the public Service; that this Pension was constantly paid her till the Year 1681, when it was stop'd because she would not persuade her Husband to lay a Popish Plot on the Protestants;

testants; over and above which, she was threatned to be imprisoned on the same account. One John Lunn, likewise, affirmeth, that he was an Instrument of conveying Mrs. Fitzharris away, and was therefore sent for to Windsor; where being brought before the late Lord Conway, the said Lord first threaten'd him, and then offer'd him, the said Lunn, 5000*l.* to deliver up the said Mrs. Fitzharris, which he refus'd. It further appear'd on the Evidence of one Mr. Harrington, that the said Mrs. Fitzharris was instrumental in delivering the Earl of Shaftsbury, the Earl of Bedford, and some other Lords, and divers Members of the House of Commons, (some of which have acknowledg'd the same,) from a Design, of putting treasonable Papers in their Pockets. That she advertis'd several Persons of the villanous Project against them, and was the only Person (under God) which prevented its taking place; by persuading her Husband to desist from the villanous Attempt, though he had already receiv'd 200*l.* as an Earnest of the late King, (which said 200*l.* she remembers her Husband brought home in a Hand-Basket; and tho' she lost the Pension which she hopes to be restor'd to, and that this Honourable House will recommend her and her three Children to the present King as Objects of Charity.

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Which the House agreed to, and order'd her to be recommended accordingly.

The same Day, the House agreed to the Address relating to the Irish Protestants, which, after several Amendments, stood in Substance as follows:

' We your Majesty's most dutiful and loyal Subjects, &c. having taken into our serious Consideration, the many great Sufferings of the Protestant Nobility and Gentry of Ireland, which their Zeal for the Protestant Religion, your Majesty's Service, the Interest of England in that Kingdom, and Love to our Nation, have expos'd them to, &c. being the only Body of Protestants ruin'd by the late happy Revolution, which hath wrought so great a Deliverance, &c. most heartily crave Leave, in their Behalf, to offer their deplorable Condition to your Majesty's most princely Consideration.

Address relating
to the Irish Protestants.

And whereas, by reason of their Numbers, they are very apprehensive of their being and continuing a Burthen to this Kingdom while they remain in such Condition unemployed, and that many of them, for their Interest in, and Knowledge of that Kingdom, as well as their Experience, &c. in military Affairs, being well-qualify'd to serve under your Majesty for the reducing thereof, and all of them pressing and forward for that Service, &c.

1. We humbly recommend such of the said Nobility and Gentry as are fit for military Employments, as very proper Persons for reducing that Kingdom to its due Obedience to the Crown.

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2. That such as are not fit for the Field may be put into such civil Employments, as they are most capable of.

3. That for their present Subsistence we humbly pray that the Sum of 15000*l.* may be forthwith distributed among them. And that for a further, and standing Fund for their Subsistence, until Ireland shall be reduc'd, your Majesty will be graciously pleas'd to issue forth your Royal Proclamation requiring all Papists beyond Seas, who have Estates in England, and all Protestants that are in Arms, or otherwise engag'd against your Majesty, if any such there be, to return within a certain Time; and that the Estates of such as shall not give Obedience thereunto, be seiz'd into your Majesty's Hands for the Relief of the said Nobility and Gentry, who are, or shall be depriv'd of their Estates there.

And we the rather make this our humble Supplication, to your Majesties, because we esteem ourselves oblig'd to afford them present Relief, and to represent the speedy Recovery of that Kingdom, of great Importance to this in all respects, as your Majesties, and the Nation's true Interest.

And we do humbly beseech your Majesties to take the Duke of Ormond, and his great Merits and Sufferings into your particular, and Royal Consideration, and that your Majesties would be pleas'd also to consider of the rest of the Nobility and Gentry, already fled, and daily coming up from Ireland, that remain unprovided for.

And that your Majesties Favour and Bounty to the said Nobility and Gentry, may be distributed with the greater Ease and Advantage; we do humbly recommend to your Majesties, that what you shall be graciously pleas'd to advance for their present Supply, you will be pleas'd to order the same to be paid into the Chamber of London, or such other Place as your Majesties shall think convenient, with as much Expedition, as the Urgency of your Affairs will admit; to be thence paid out for them respectively, with as little Charge and Trouble of Attendance as may be.

The same Day the House resum'd the Consideration of the Exceptions in the Bill of Indemnity, and the first Head being read, after a Debate, it was resolv'd,

That no Person shall be excepted out of the Bill of Indemnity, as for Life, upon the said first Head.

And that some Persons shall be excepted out of the said Bill, upon this Head, as to other Pains and Penalties not extending to Life.

The Land-
Tax-Bill pass'd.

The 17th, the Subsidy-Bill having been read for the third Time, and received some minute Amendments, Resolv'd, That the Bill do pass, and that the Title thereof be, An Act for a Grant to their Majesties, of an Aid of 12 d. in the Pound for one Year, for the necessary Defence of their Realms.

The

The 18th, Mr. Justice Powel attending the House according to Order, a Chair was order'd for him, standing behind which, he reply'd to the Questions put to him by the House, concerning the Opinion of the Judges in the Case of Goodwin and Hales, touching the King's Power to dispense with the Laws, in Substance, as follows:

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The Examination of Mr. Justice Powel, touching the King's dispensing Power.

That he receiv'd Information from Sir Robert Wright Puisne Judge of the King's Bench, that Lord Chief Justice Herbert had order'd him to acquaint the Judges of Serjeants-Inn, that he had receiv'd the King's Commands to assemble all the Judges at the said Inn, to consult with them upon certain Matters; and that the said Judges did meet there accordingly. When the said Lord Chief Justice gave them to understand, they were met to give their Opinions on the Case of Goodwin and Hales, which he then put, to this effect, *viz.*

That an Information was exhibited against the Defendant, upon the Stat. 25 Car. II. for exercising the Office of Colonel of a Regiment of Foot, without taking the Oaths, Test, &c. To which Information the Defendant pleaded a Patent from the King under the Great Seal, whereby he dispens'd with his taking the said Oaths, Test, &c. with a *Non-obstante* to the said Statute.

The House then proceeded to ask what Opinions the Judges delivered on this Case; and he desiring to be excus'd from answering, was order'd to withdraw. After which, being call'd in, he was requir'd in the Name of the House, to declare the said Opinions, with a saving to his own, which he was left free to utter or conceal.

He then inform'd the House, that Lord Chief Justice Herbert gave his opinion at large, in support of which he cited several Cases. After which, he demanded his (Powel's) Opinion: In Return to which, he pleaded the Importance of the Case, his being unprepar'd, &c. and demanded till the next Term to consult the Books, but was told Sentence would be given the next Tuesday, which was the last Day of Trinity Term: Upon which he promis'd to wait on the Chief Justice the Monday following.

That Mr. Baron Milson then gave his opinion for the dispensing Power.

That Mr. Justice Lutwych declar'd, the King could dispense in that case, but not in Ecclesiastical or Civil Affairs; and when he found others for a dispensing Power, but limited, he added, Take notice, I pray, that I restrain it to this particular Case.

That Mr. Baron Jenour and Mr. Justice Wright, and Justice Holloway, were for dispensing with the Statute in question.

Tt 2

That

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That Mr. Justice Street was against dispensing.

That Lord Chief Justice Beddingfield was for it.

That Lord Chief Baron Atkins said, that if the Cases quoted by Lord Chief Justice Herbert were Law, the King might dispense in this case. To which he added, (as he conceives, he being far off, and not hearing distinctly) that he knew not whether the Cases cited were Law or not.

That he (Powel) visiting him about 4 or 5 Days after, and touching on the ill Consequences of that Opinion, he declar'd he had given no positive Opinion, but was now convinced that the King could not dispense with that Statute.

That Lord Chief Justice Herbert was for the dispensing Power, as were likewise Mr. Justice Withins, and Mr. Baron Heath.

That the Sentence was passed before the time prefix'd for his giving his Opinion on the Case; but that his Design was to deliver it against the dispensing Power.

He then withdrew, and Sir Robert Henley and Sir Samuel Astrey were called in; who declared, that the Day Sentence was given, the Lord Chief Justice Herbert, the Justices Withins, Holloway and Wright, were upon the Bench; that they were all of the same opinion, and that Herbert pronouncing Judgment, declar'd ten Judges were positive for the dispensing Power: That one disputed, and one hesitated; but that Justice Holloway inform'd him that Morning, the last was come over to them. That the Case was argued but once by Mr. Northey against the dispensing Power, and by Sir Thomas Powis King's Council for it. Judgment was pronounc'd by the Chief Justice alone, without the Concurrence of the other Judges, *seriatim*; as usual; and that the Chief Justice laid down certain Propositions, some of which were, That the Laws were the King's Laws, that the King might dispense with his Laws in case of Necessity, and that the King was Judge of that Necessity.

Several other Persons were likewise examin'd on the same Subject: After which the House proceeded to an Enquiry who were at the Council-Board, and sign'd the Commitment of the seven Bishops to the Tower; and the Information was as follows:

Present
The KING.

Lord Chancellor,
Lord President,
Lord Privy-Seal,
Marquis of Powis,
Lord Chamberlain,

Earl of Huntington,
Earl of Peterborough,
Earl of Craven,
Earl of Berkley,
Earl of Murray.

Earl

Bar of Middlesex,
Bar of Melbury,
Bar of Cullinstown,
Viscount Preston,
Lord Dartmouth,
Lord Godolphin,

Lord Dover,
Sir John Ernley Chancellor of
the Exchequer.
Lord Chief Justice Herbert,
Sir Nich. Butler,

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Father Petre,

All of whom sign'd the Commitment, except the King and
Father Petre.

After a Debate on the first Head of Exceptions in the
Bill of Indemnity concerning the dispensing Power,

Resolved, That Sir Edward Herbert, Sir Francis Withins,
Sir Richard Holloway and Sir Robert Wright, be excepted
out of the Bill of Indemnity on this Head.

Four Judges ex-
cepted out of the
Act of Indem-
nity.

The 19th, Sir Jos. Tredenham acquainted the House, that
his Majesty comply'd with the Address of the House with
respect to the Employments of the Irish Nobility and Gentry,
in reducing that Kingdom, &c.

The same day the House of Lords communicated certain
treasonable Papers to the House, by Order of his Majesty:
before the reading of which, Mr. Hampden acquainted the
House, that the said Papers were found upon two Persons,
who were going to Ireland, in a Ship which had stole out
of the Port of Liverpool, but was stop't about five Miles at
Sea; That they were dispatch'd up to Town, by the Mayor,
and that the Letter to Piggott, and two more, were written
by King James, tho' he had, in one of them, somewhat dis-
guis'd his Hand.

Treasonable Pa-
pers communi-
cated to the
House, by order
from the King.

Upon reading the said Papers, the House *Resolv'd*, That
an Address be presented to his Majesty, that all considerable
Papists be taken into Custody, and that their Arms and
Horses shall be search'd for, and seiz'd.

Resolutions
thereon.

That whatever Protestants shall harbour or conceal any
such Arms, or Horses, shall be reputed Enemies to their
Majesties, and be proceeded against, accordingly.

And that an Address of Thanks be presented to his Ma-
jesty, for communicating the said Papers.

The same day, the *Amendments* added by the Lords to
the *Bill* for declaring the Rights and Liberties of the Subject, and
settling the Crown, were read; one of which providing, that in
Default of Issue in the Queen, and Princess of Denmark, the Crown
should descend to the Hanover-Line, it pass'd in the Negative
vote. A Debate likewise arose on another of the said
Amendments, which was a Sort of Test to be presented to such
Persons as were to succeed to the Throne, in Case of such Default
of Issue, and so be made the sine qua non of their Accession: Which
ended, in referring the said Clause to the Consideration of a
Committee.

A Clause from
the Lords, in
favour of the
House of Ha-
nover, rejected.

The

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The 31st, both Houses compromis'd their long and intricate Dispute, on the Bill for enabling the Lord Commissioners of the Great-Seal, to execute the Office of Lord-Chancellor, and Lord-Keeper.

Cornish's Attainder reversed.

The 22d, the Bill from the Lords, to Revoke the Attainder of Henry Cornish Esq; was pass'd, together with a Clause for cancelling and taking off the File of all Proceedings and Records relating thereto.

The Petition of John Bearcroft Esq;

The same day, a Petition of John Bearcroft Esq; late Sergeant at Arms, to King Charles II. was read, setting forth, That he having been most active in executing his Orders against Popish Priests, many of whom he had taken, at the very Altar, and going in continual Danger of his Life on that account, was forc'd to dispose of his Place and abscond. That having an only Son, he settled all he had upon him, from whom he expected a Support. But he being afterwards murder'd in the Street, by a Popish Priest, your Petitioner was thrown into the King's-Bench-Prison, to his utter Ruin. That, on this most happy Revolution, he did not doubt, but Sufferers would have been rewarded. But that he experienced the contrary, his Petitions being all rejected, by those who had the Disposal of Places above stairs; who openly sold them to the highest Bidder. That, tho' he wanted Bread, he was ordered to trouble them no more. That, therefore, he pray'd the House would be pleas'd to call before them Fleet Shepherd, Simon Smith, and Richard Colling Esqs; to account for the many thousand Guineas they have unjustly got, for the Disposal of the said Places, and that this Petitioner may be allowed to produce his Witnesses to prove the same.

Several Acts pass'd.

Resolv'd, That the Petition be referr'd to the Committee, appointed to enquire into Abuses in selling of Offices, and that a Bill be prepared to prevent the like for the future.

The same day, the King went to the House of Peers, and gave the Royal Assent to the Land-Tax Bill: An Act for enabling Commissioners of the Great-Seal, to act as Lord-Chancellor, or Lord-Keeper: An Act for reviving two former Acts for the Exportation of Leather: An Act for the Exportation of Beer, Ale, Cyder, and Mum: And six private Bills.

The Case of Mr. * Samuel Johnson.

The 24th, the Committee, appointed to examine by what Authority, Mr. Samuel Johnson came to be degraded, made their Report in Substance, as follows:

That an Information in the King's-Bench was exhibited against him for a Libel in the late Reign, by Sir Robert Sawyer, the Attorney-General; that in the same Term they forc'd him to plead, and procur'd a Jury to find him guilty; that Sir Francis Withins sentenc'd him to pay 500 Marks;

to lie in Prison till it was paid; to stand in the Pillory three Days in three several Places; and to be whipt by the common Hangman from Newgate to Tyburn: That the Judges then on the Bench, were Lord Chief-Justice Herbert, Withins, Wright and Holloway. That it being esteem'd a Scandal to the Clergy to have so infamous a Punishment inflicted on one of their Body, the Bishop of Winchester, (the King's Bench being in his Diocese) and the Bishops of Durham, Rochester and Peterborough, Commissioners to exercise the Jurisdiction of the Bishop of London, in whose Diocese his Rectory was, were summon'd to meet at the Convocation-House, whither Johnson was brought by *Habeas Corpus*. And a Libel being exhibited against him by one Lee a Proctor, charging him with great Misdemeanours, on Record before the Temporal Judges, but specifying none, he demanded a Copy of the said Libel, and an Advocate; both which were refus'd, and the Bishops proceeded to Sentence forthwith, which was,

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1. That he should be declar'd infamous.
2. That he should be deprived of the Rectory of Cunningham in Essex.
3. That he should be henceforward a mere Lay Man, and no Clerk; and deprived of all Right and Privilege of Priesthood.
4. That he should be degraded thereof, and of all Vestments and Habits of Priesthood.

5. And that he should undergo the Punishments aforesaid, To this Mr. Johnson enter'd his Protest, as being done against Law, and Canon 132, as likewise not by his Diocesan (then suspended.) But the Bishops refus'd the said Protest.

That then he appeal'd to the King in Chancery; but his Appeal was rejected.

That they degraded him upon the Spot; so that the Libel, Sentence and Execution were all within three Hours.

That the whipping was with great Rigour and Cruelty; the Whip itself, being shewn to the Committee, and consisting of nine Cords, knotted.

That when he stood in the Pillory, Mr. Rowse, the Under-Sheriff, tore off his Cassock, and put a Frieze Coat on him.

And that Mr. Johnson's Wife had a like Information exhibited against her, with that of her Husband.

Resolved, That the Judgment against Mr. Johnson in the King's Bench was illegal and cruel. Resolutions thereon.

That the Ecclesiastical Commission was illegal, consequently the Suspension of the Bishop of London; and that the Authority, committed to the aforesaid Bishops, was null and illegal.

That

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That Mr. Johnson not being sentenc'd, depriv'd and degraded by the Bishop of London (tho' he had deserv'd the same) the said Proceedings were illegal.

That a Bill be brought in to reverse the Judgment in the King's-Bench, and to declare all the Proceedings before the Three Bishops to be illegal, null and void.

That, in the said Bill, the Proceedings upon the said ecclesiastical Commission be declared void.

That Mr. Johnson be recommended to his Majesty, for some ecclesiastical Preferment, suitable to his Services and Sufferings.

Articles of Impeachment, prefer'd against several Persons.

The same day, Articles of Impeachment were read, and agreed to by the House, against Sir Adam Blair, Capt. Henry Vaughan, Capt. Frederick Moyle, Dr. John Elliott, and Dr. Robert Grey, for composing and publishing a Declaration in the Name and behalf of the late King James.

A Petition from the Common-Council of London.

The 25th, the House received a Petition from the Common-Council of London, by the Sheriffs, in which, after many Compliments to the House, on the great Things they had done for the Nation, they pray, That our most gracious King may be freed from all Restraints of using his Protestant Subjects indifferently, in his Military, or Civil Services, according to their several Qualities and Abilities, &c.

Reasons given to the House, by Lord Nottingham, Secretary of State, for ordering Lord Danby (a Member) into Custody.

The 28th, the Committee appointed to wait on the Earl of Nottingham, Secretary of State, for Reasons, why he had issu'd out his Warrants for seizing the Earl of Danby, a Member of the House, made their Report; which was a Writing under the said Secretary's own Hand, containing the Questions put to him by the Committee, and his Answers. By which appear'd that Lord Danby, having fitted out a Yacht for his own Pleasure, the Secretary had fancy'd, he was guilty of treasonable Practices against the State; but on Examination, finding no farther Cause of Suspicion, had discharg'd him without Bail.

Refus'd, That the granting a Warrant to arrest the Earl of Danby, a Member of this House, and the taking him into Custody, is a Breach of Privilege.

The same day, his Majesty made the following Speech to both Houses:

The King's Speech to both Houses.

My Lords and Gentlemen,
THE Time of the Year being so far advanced, and there being several Acts yet to be passed for the Safety and Settlement of the Nation, I desire you would expedite them as soon as you can, it being necessary there should shortly be a Recess, both that I may be at liberty to pursue the Business of Ireland with all possible Vigour, and that the Members of both Houses may repair to their several Counties,

Counties, to secure the Peace, and to put the Militia into some better Posture.

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‘ I am very sensible of the Zeal and good Affection which you, Gentlemen of the House of Commons, have shewed to the Public, in giving those Supplies you have done already: And I do not doubt but from the same Inducements you will be ready to give more as Occasions require, which I must let you know will be sooner than perhaps you may expect, because the necessary Expence of this Year will much exceed the Sums you have provided for it. And that you may make the truer Judgment in that Matter, I am very willing you should see how all the Moneys have been hitherto laid out; and to that end I have commanded those Accounts to be speedily brought to you, by which you will see how very little of the Revenue has been applied to any other Use than that of the Navy and Land-Forces.

‘ I must remind you of making an effectual and timely Provision of the Money for the States of Holland; and I doubt not but you will take care to see a fitting Revenue settled for myself.

‘ My Lords and Gentlemen,

‘ I will add no more, but recommend earnestly to you, to avoid all Occasions of Dispute or Delay, at a time that requires Union and Vigour in your Councils, upon which the Preservation of all that is dear to us doth so much depend: And I do promise that nothing shall ever be wanting on my Part, which may contribute towards it.’

The 29th, *Resolv'd*, that the Committee, to whom the Bill for attainting certain Persons is referr'd, do prepare a Clause, that the Estates of those Persons now in Rebellion in Ireland, be apply'd to the Relief of the Irish Protestants; and likewise, to declare all the Proceedings of the pretended Parliament and Courts of Justice there, to be null and void.

Estates of the Rebels in Ireland, voted to the Relief of the Protestants. And the Proceedings of the pretended Parliament there, declared void.

July 1, *Resolv'd*, That an humble Address be made to his Majesty, that, in all his Treaties with his Allies, for carrying on the War with France, there be an Article inserted, to prohibit all Trade with that Kingdom. To which his Majesty was afterwards pleas'd to answer, ‘ That he had taken care of that Particular, in his Treaty with the Dutch, already.’

Address for an Article, in all Treaties, to prohibit all Trade with France.

The same day, the House proceeded on the Exceptions in the Bill of Indemnity, and the second Head being read, *Resolv'd. nem. con.* That Lord Jeffreys, the Earl of Sunderland, the Bishop of Durham, Sir Edward Herbert, the Earl of Huntington, Sir Roger Wright, Sir Thomas Jenner, and the

Persons excepted, on the second Head of the Bill of Indemnity.

Anno 1 W. & M. 1689. Bishop of Chester, be excepted out of the said Bill, on this Head.

The 2d, Mr. Hampden acquainted the House, That, in Answer to their Address, relating to what Numbers of Ships, and of what Force, the States-General have set forth, or were obliged to set forth, for this Summer's Expedition, with his Majesty's Fleet, his Majesty said, all were come in, but two: And ordered Lord Nottingham to give an Extract of the Treaty with the States, which was as follows:

Extract from the Treaty with the States.

'The States-General shall put to Sea 30 Ships of War, viz. Eight from 70 to 80 Guns, seven from 60 to 70, and fifteen from 50 to 60 Guns, beside 9 Frigates and 4 Fire-Ships: On board of which shall be embark'd 10,572 effective Men.

The 3d, Sir John Guise having deliver'd a Report relating to the Books of the Admiralty, the same was ordered to be seal'd up.

An Address voted, for Leave to inspect the Council-Books, &c.

Resolv'd, That a second Address be presented to his Majesty, for leave to inspect the Books of the Privy-Council, and those of the Irish Committee, and for taking Copies of such Papers as relate to the Irish Affairs. And a Committee was appointed to draw up the said Address, accordingly. Who were likewise instructed to enquire, why the Dutch Fleet was out no sooner to join the English Fleet. Also, why the English Fleet was laid up, and why there was a Delay in setting forth another.

An Enquiry ordered, concerning the English, and Dutch Fleets.

Resolv'd, That an Address be presented to his Majesty, That he will please to appoint a Fund of Credit, for such as will furnish Money for Relief of the Irish Protestants fled into this Kingdom; which the House engag'd to repay.

The Address for Leave, &c. read.

The 5th, the Address was read and agreed to, for leave to inspect the Council-Books, and to take Copies, especially from Dec. 27, 1688, to June 1, 1689. in which, the deplorable State of Ireland was charg'd on the Neglect, or ill Conduct of some Persons employ'd in the Affairs of that Kingdom. And the Reason of this Inspection is said to be. That we may be enabled to give your Majesty such Advice, as may prevent the like Miscarriages for the future.

A Bill ordered, for preventing Children from being educated in Popish Seminaries abroad.

The same day, a Report was made of several Children, educated in Popish Seminaries abroad, by Direction of their Parents and Guardians. And Leave was given to bring in a Bill to prevent the like Abuses, and oblige such Children as were then abroad, to return.

Report on the Case of Topham, Sergeant at Arms.

The 6th, Colonel Birch made his Report, from the Committee, appointed to examine the Petition of John Topham Esq; Sergeant at Arms; the Substance of which, was as follows: That the said Topham being serv'd with several Actions of Assault and Battery, by certain Persons he had taken

taken into Custody by Order of the House, had pleaded Anno 1 W. & M. 1689. Obedience to the House, in Justification: And that his Pleas were, notwithstanding, over-ruled: Jeffreys, Holloway, Walcot, Pemberton, Jones, and Raymond, during the time of those several Actions, being Judges of the King's-Bench.

Resolv'd, That the said different Judgments, given in the King's-Bench against the said Topham, are illegal, and a Violation of the Privileges of Parliament, and pernicious to the Rights of Parliament, and that a Bill be brought in, to reverse the said Judgments. Votes thereon.

Order'd, That Sir F. Pemberton, Sir T. Jones, and Sir F. Withins, do attend the House.

The 9th, the House being on the Bill to render the Militia more useful, a Clause was offer'd, for a 4th Part of the Militia to be drawn together for days this Year, but rejected. A Motion with regard to the Militia, rejected.

Another Clause being likewise offer'd to be made a Part of the said Bill, for indemnifying and saving harmless, all such as had taken Arms in Behalf of his Majesty, while Prince of Orange: Another agreed to.

Resolv'd, the said Clause be made Part of the Bill.

The 10th, The Bill for an Additional Duty on Coffee, Tea, and Chocolate, under the Title of An Act for collecting the Duties upon Coffee, Tea, and Chocolate, at the Custom-House, was pass'd, and Order'd up to the House of Lords. An additional Duty laid on Coffee, Tea, and Chocolate.

The same day, Sir Francis Pemberton, being desired by the House, to give his Reasons for over-ruling a Plea of the Order of that House, in the Case of Jay and Topham, he reply'd, that he knew little of the Case, it was so long since. But, that in Case the Defendant should plead he did arrest the Plaintiff by order of this House, and should plead that to the Jurisdiction of King's-Bench, he thought, with Submission, he could satisfy the House, that such a Plea ought to be over-ruled: And that he took the Law to be so very clearly.

He, then, withdrew.

Sir Thomas Jones being, then, examin'd to the same Point, And Sir Thomas Jones. was pleas'd to reply, That tho' it was long since the Case was argued; and that he, nor knowing what he was to attend upon, could give no account thereof: But, that, if any such Judgment was given, he hoped it was according to Law, as the Matter was pleaded.

And then he withdrew.

Sir Francis Pemberton was then again call'd in, and his Reasons being demanded, for his general Assertion, before said: He desired Time to answer, both to the whole together, and the particular Case of Jay and Topham. Sir Francis Pemberton examined.

But, an immediate Answer being insisted on, he said, that what he spoke, was *quoad hoc*, to that Case; however, he

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Reasons to be
offered at a
Conference on
the Bill of
Rights.

Two Clauses
offer'd to the
Militia-Bill.

gave what he had said, for his present Thoughts and Reasons.

Being withdrawn, it was *Resolv'd*, after a Debate, that the Orders and Proceedings of this House being pleaded to the Jurisdiction of the Court of the King's-Bench, ought not to be over-ruled.

Order'd, That Sir F. Pemberton, and Sir T. Jones, do attend the House again.

The 11th, Mr. Carter reported, from the Committee appointed to draw up Reasons to be offer'd at a Conference with the Lords, on the Bill for declaring the Rights and Liberties of the Subject, and settling the Succession of the Crown; That the said Committee had agreed, as follows:

That the Commons do not agree with your Lordships in the 1st Amendment, Skin 7, l. 25. (relating to the Settlement of the Crown in the Hanover Line) for these Reasons:

1. That it is not contain'd in the Declaration, which was presented by both Houses, to their Majesties, upon their Acceptance of the Crown.

2. A farther Limitation of the Crown, may be dangerous, and of ill Consequence.

To the last Amendment, they disagree, because,

The dispensing Power, has been assum'd, within Time of Memory.

Because it hath unreasonably increas'd from time to time, to the overthrow of multitudes of good Laws.

Because all Laws, made for the Benefit of Trade, may be thereby eluded, and Monopolies erected.

And, generally, because the Mischiefs, that have been consequent thereon, are so great, that the Commons can find no Remedy to prevent the same, but by insisting upon the Clause, and Proviso.

Order'd, That the Conference be manag'd by the said Committee.

The same Day, a Clause was offer'd, and agreed to be made a Part of the Militia-Bill, for such as had received Trophy-Money, to give an Account thereof. And for the Receivers, or Treasurers to give Security, to give Account for the future.

Another Clause was likewise offered, for the Governor of the Tower to turn the Militia of the Tower-Hamlets, into Fusileers; and for him to appoint a Treasurer, and other Things relating to that Militia, as are done by the Lieutenancy of London: but pass'd in the Negative.

The 12th, the Record of a Judgment of the Court of King's-Bench, upon an Information against William Williams Esq; in the Name of Sir Robert Sawyer, Attorney-General, being read, *Resolv'd*, That the said Judgment, &c. for Matters done by order of the House of Commons, and

and against William Williams Esq; as Speaker thereof, is illegal, and against the Freedom of Parliaments: And that a Bill be brought in, to reverse the said Judgment.

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Order'd, That Sir Robert Sawyer, do attend in his Place, to give the House a particular Account of the Orders, &c. he received for the said Prosecution.

Judgment of the King's Bench, against a late Speaker, reversed.

Sir Robert Howard then inform'd the House, that he was commanded by his Majesty, to let them know,

That his Majesty is very sensible of the great Burden of Business that has lain upon them; and, which he hopes is now near finish'd, that the Country may receive the Advantage of a Recess by the several Members assisting in the Settlement of public Affairs; and also, that they may have the Benefit by it, to take care of their own particular Concerns. And that tho' his Majesty believes, that this House is assur'd, that by what Preparations are made and must be continued and encreased, there will be need of great Sums of Money; yet his Majesty is so sensible of the Disposition of this House, that he is willing no farther Proceedings upon raising of Money should be, till the Meeting towards Winter; other than what the House have, now, themselves design'd: And had commanded him to acquaint the House, that, what they have given him, shall be so apply'd, as that when they meet again, he is confident they will receive Satisfaction, (which he always desires) in examining of. Lastly, his Majesty commanded him to remind them of the Act of Indemnity, which was all he had in Command.

King's Message to the House by Sir Robert Howard.

Resolv'd, That Sir Robert Howard do present the humble Thanks of the House to his Majesty.

Resolv'd, That a Clause be added to the Bill for settling the Revenue, That the Lands and Revenues, granted to, or in Trust for the Queen-Consort of the late King James, be vested in their Majesties; and that all Acts relating to the same, be repeal'd.

Lands of the late Queen, vested in their Majesties.

And that the Revenue to be settled upon their Majesties, be free from any Charge, or Incumbrances.

The 13th, two other Petitions were preferr'd against the East-India Company.

The same Day the House pass'd the Bill from the Lords, entitled an Act to regulate the Administration of Oaths, requir'd to be taken by Commission or Warrant-Officers, without Alteration.

The same Day Sir John Guise acquainted the House from the Committee, on the State of Ireland, That it has appear'd to them that several Persons, who are in Arms in that Kingdom, had been in Custody here in England, and were releas'd; and had Passes given them, and that Mr. Jephson, a Member of this House, was then Secretary; and that the Committee had directed

A Motion, that Mr. Jephson might account for certain Passes granted to Rebels.

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directed him to move that Mr. Jephson might give an account thereof to the House.

And then the House made an Order accordingly.

As likewise, that the Auditor of the Exchequer do bring an account of what Monies have been issued out of the Exchequer for secret Services, and to whom, since 1682.

His Majesty's
Answers to two
Addresses.

Sir John Guise then farther acquainted the House, that having waited on his Majesty with the Address, for Leave to inspect the Council-Books, &c. his Majesty was pleas'd to answer *He would consider of it.* That he had likewise presented to his Majesty the other Address, that his Majesty would be pleas'd to appoint a Fund, for Credit for such as should furnish Money for Relief of the Irish Protestants fled into this Kingdom, and that his Majesty was pleas'd to say at first, *That he lik'd it well.* That his Majesty then ask'd the Sense of the House touching that Matter; and being told the Irish were in Necessity, and that the House would take care to satisfy what was disburs'd, added, *That he would do what he could in it.*

Vote occasion'd
by the First.

A Debate ensued on his Majesty's Answer to the first Address, and then the House resolv'd, *nam. con.* That those Persons who have been the Occasion of delaying sending Relief to Ireland, and those Persons, that advise the King to defer the giving leave for some Persons to inspect the Council-Books, &c. are Enemies to the King and Kingdom.

A Debate then arose, touching an Address to be presented to his Majesty, for removing the Marquess of Halifax, and Marquess of Carmarthen, from his Council; but was adjourn'd.

Mr. Jephson's
Vindication.

The 15th, the Bill for an additional Excise was read the Third Time and pass'd, and Mr. Jephson appear'd in his Place according to Order, and acquainted the House, that he had perus'd the Books by him kept while Secretary to his Majesty, and that he did not find any of the Persons in Dispute mention'd there, with which the House was satisfy'd that there were no Passes granted to any of the said Persons.

Proceedings on
the Bill of In-
demnity.

The same Day the House proceeded in the Bill of Indemnity, and *Resolved*, That no more Persons should be excepted on the third Head. After which, the fourth being read; Sir Dudley North was ordered to attend, to give an Account, by what Orders, &c. he and the other Commissioners of the Customs, collected the same from the Death of King Charles II. till the Meeting of the Parliament in James II.

Resolved, That his Majesty be humbly desired, to give leave, that the Council and Treasury-Books may be inspected, in relation to the collecting the Excise and Customs, during the said Interval.

The 15th, the House received a Petition from several Officers, Inn-keepers, and Clothiers, that serv'd in, quarter'd and clothed

cloathed the Army in 1677, praying Relief, &c. and it was resolv'd, to take their Case into Consideration, after the Recels.

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The same Day the House pass'd the Militia-Bill, under the Title of *An Act for ordering the Forces in the several Counties of this Kingdom.*

The Militia-Bill pass'd.

The same day, likewise, Mr. Carter reported from a Conference with the Lords on the Bill of Rights, and Succession; That Lord Rochester manag'd for the Lords, and gave these Reasons for disagreeing with the House thereon.

Report of a Conference with the Lords on the Bill of Rights and Succession.

1. Tho' in the Instrument offer'd to their Majesties, the Limitation went no farther than their Persons, yet in a Law which has Respect to all succeeding Ages, and that settles for ever the Liberties of the Subject, they think it reasonable to carry the Limitation of the Succession of the Crown farther than was necessary in that Instrument, in which the Crown was offer'd to their Majesties, and that had no View but of the Succession to their Posterity.

2. They can see no Danger, nor any ill Consequences that may follow on a farther Limitation, but very much to the contrary.

For 1. This secures the Nation effectually from the Danger of having a Papist to reign at any Time hereafter: since of such a number of Papists as stand next the Crown in the Lineal Succession, some might be prevail'd upon to shew a change in their Religion, if they had a Prospect of succeeding to the Crown, upon it; and no Danger being so great as the having one who is a pretended Protestant, but is, in truth, a conceal'd Papist to reign over us, the most effectual way to secure our Religion, is to declare the Succession in a Family, that we know is certainly Protestant.

2. It is the Interest of England, at present, to do Right to that great House, by limiting the Succession according to the *Proviso*.

For, since this Limitation has been propos'd, if it should be now laid aside, it would look like an excluding of this House, which might provoke them to take Resolutions which might be of great prejudice to the Nation in the present Con-juncture.

And since for these Reasons, the Lords insist upon their *Proviso*, the same Reasons determine them likewise to insist upon that part of the Rider, which relates to it.

The Question being then put to agree with the Lords, in their Amendments, it passed in the Negative.

After which, farther Reasons were order'd to be propos'd to be offer'd at a free Conference with the Lords why the House did not agree to the said Amendments.

Sir

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1689.

Duke Schomberg
begs leave to
take leave of
the House.

Sir Henry Capel then acquainted the House, that the Duke de Schomberg desir'd to have the honour to wait upon the House; that he being just going in the Service of the Crown, on the Expedition to Ireland, he would very willingly acknowledge the Care this House hath had of him, and the Fruit he had received of it, and take his leave of them; that his Merit was great, and that the King had rewarded it like a King: Having made him a Duke and Peer of England, and settled 5000l a Year, on him and his Heirs, in lieu of the like Revenues he had lost in France and Germany: Two Peers and Two of the House of Commons being nam'd Trustees, for the making Purchases in order thereto.

Is admitted.

The Duke being then introduced, sat down, cover'd, in a Chair plac'd for him towards the middle of the House, where having continued some time (the Serjeant with the Mace standing at his Right Hand) he rose, and, uncover'd, spake to the following effect:

His Speech.

' Mr. Speaker, I have desir'd this Honour, to make my just Acknowledgments for the great Favours I have received from this House, and doubt not but to find the Effects of it in his Majesty's Grace and Favour, and also take my leave of this honourable House; being now going to Ireland, where I shall freely expose my Life in the King's Service and yours.'

The Speaker then reply'd as follows:

The Speaker's
Reply.

' My Lord, The Services that have been done by your Grace to their Majesties and this Kingdom are so great, that they can never be forgotten: I am therefore commanded by this House to acquaint you that they are extremely satisfy'd that his Majesty's Army is committed to your Grace's Conduct; and they doubt not but the War will be prosecuted in such a manner as will fully answer all their Expectations. This House doth likewise assure your Grace, that, at what distance soever you are, they will have a particular regard, as much as in them lies, of whatever may concern your Grace, or the Army under your Command.'

The King agrees that the
Council-Books
shall be inspect-
ed.

His Grace then withdrew, and Mr. Comptroller acquainted the House, that his Majesty consented that the Council-Books might be inspected, both as to the collecting the Customs and Excise, after the Death of Charles the Second, and in relation to the Irish Affairs.

Petition of
Dockra, In-
ventor of the
Penny-Post.

The 16th, William Dockra presented a Petition to the House, setting forth, That having with great pains and expence, projected and perfected a new Invention, vulgarly call'd The Penny-Post, as soon as it turn'd to an Account; the late Duke of York caus'd him to be serv'd with twenty several Actions at once for pretended Penalties in the Post-

Office

Office Act, 12 Charles II. and two more, laid at 10,000*l*. Anno 1*W. & M.* and Matters were so managed that he was turn'd out of all, tho' his Project was distinct from, and no ways interfer'd with the Post-Office, and prayed Relief, &c. 1689.

The said Petition was referred to the Committee of the whole House upon the Revenue.

The 19th, the surviving Servants of King Charles II. presented a Petition, praying their Arrears might be made good, out of an Imposition on Tobacco and Sugars, granted in the Reign of the late King James, wherein special Provision was made for paying the said Arrears, tho' never but in part comply'd with, &c. The said Petition was refer'd like the former. Another of the surviving Servants of Charles II.

The same day Sir Francis Pemberton and Sir Thomas Jones were severally examin'd, touching their Reasons for over-ruling the Plea of Serjeant Topham, to the Action brought against him by one Jay, and order'd into Custody of the Serjeant at Arms. Sir F. Pemberton and Sir T. Jones order'd into Custody.

The 30th, the Petitions of the Countess of Bristol, Elizabeth Hamilton Widow, John Shaw, and others; Lady Howard Relict to Lord Howard of Escrich, Mary Kirk Widow, Sir Stephen Fox, Sir Rob. Dashwood, Sir Samuel Moreland, Frances Dutches of Richmond and Lenox, and Barbara Dutches of Cleveland, Philip Darcy Esq; and Lady Jane Lane's Petitions were severally presented to the House, with Claims on the Revenue, and refer'd to the Committee of the whole House; as were likewise, afterwards, several other Petitions of the like nature. Several Petitions with Claims on the Revenue presented.

The same day, Sir William Pulteney reported from the free Conference with the Lords on the Bill of Rights and Succession, that the Matter had been debated by both Parties, and that there were hopes the Lords would agree with this House, touching the said Bill.

The 22d, Sir Thomas Littleton reported the Reasons to be offer'd at a Conference with the Lords, on the Bill for reversing the two Judgments of the King's Bench against Oates. But the whole Case being hereafter recapitulated, we shall, for the sake of Brevity, insert the said Recapitulation only.

The 24th, the House by Message put the Lords in mind of four Bills before them, viz. The Bill of Rights and Succession; That for attainting certain Persons in Rebellion; That for reversing the two Judgments against Oates, and the Militia-Bill; and desir'd their Lordships to dispatch them.

Resolved, That Leave be given to bring in a Clause to the Bill for settling the Revenue, to repeal the Act which settles the Revenue upon the late King for Life. The Repeal of the late King's Revenue voted.

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The same day, the Lords sent back the Bill for an additional Duty on Coffee, Tea and Chocolate, with certain Amendments, which on the Question pass'd in the Negative; and Reasons were order'd to be prepar'd for a Conference thereon.

The 25th, Titus Oates petition'd to be restor'd to his Pensions of 624l. 60s. and 200l. *per Annum*.

The same day, Mr. Papillon, reported from the Committee appointed to examine the Council-Books, with respect to the collecting the Excise and Customs, from the Death of King Charles II.

Report from
the Council-
Books, relating
to the collect-
ing the Customs
and Excise.

That, with regard to the Customs, the Commissioners who appear'd at the Custom-House, from that Time, were Lord Cheney, Sir Richard Temple, Sir Nicholas Butler, Sir John Buckworth, William Dickenson, Sir John Worden, Sir Dudley North, and Tho. Chudleigh.

That, among other Instances, Mr. Francis Miller inform'd the Committee, That being at the Custom-House, about a fortnight after the Death of King Charles II. and discoursing with the Commissioners, he told them, *He was not free to pay the Customs, and had his Fears of what might come thereafter.* To which Sir Nicholas Butler reply'd, *That it was Fears which brought on the last Rebellion.* This was confirm'd by one Mr. Cutler.

Mr. Cockram said, That He and others being at the Custom-House with the Commissioners, the said Commissioners asked, *What Lawyers the Merchants had advis'd with?* And it being reply'd, *They had as yet advis'd with none;* Sir Nicholas Butler rejoind'd, *We know what you are: If you are ready to dispute it, we are ready to dispute it.* To which Sir John Buckworth added, *Do not dispute it! It must be paid.*

That, as to the Excise they find a printed Proclamation dated Feb. 16. signifying that the Commissioners of the Treasury, *viz.* Lord Godolphin, Sir J. Ernley, Sir S. Fox, Sir Dudley North, and Frederick Hume, had farm'd the Excise to Sir Peter Apsley, Sir Daniel Bathurst, and James Grahme, for three Years, for the Rent of 550,000l. That, according to the Opinion of the Judges, the said Contract was valid in Law, notwithstanding the Death of the late King; and requiring all Commissioners, Sub-commissioners, and all other Officers, to aid and assist in collecting the said Duties during the said Term.

That they find by a Commission, dated March 1. Jac. II. Sir Darcy Ashburnham, Francis Parry, Charles Davenant, John Friend, Felix Calvert, Nathaniel Hornby, and Rich. Grahme, to be Commissioners and Governours for Receipt of the Excise, &c. and that all the said Commissioners had acted as such, &c.

The said Report was order'd to lie on the Table, to be considered when the Bill of Indemnity came next before the House.

The

The same day Sir John Trevor reported from the Committee, the Reasons to be offer'd at a Conference with the Lords, for not agreeing with their Lordships in their Amendments to the Bill for laying an additional Duty on Coffee, Tea and Chocolate ; which were in Substance as follow.

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1689.

1. The Commons have always taken it for their undoubted Privilege (of which they have ever been tender and jealous) that in all Aids given to the King by the Commons, the Rate or Tax ought not to be any way alter'd by the Lords.

Reasons for not agreeing with the Lords Amendments to the Bill for an additional Duty on Coffee, &c.

2. The Amendments being in point of Time, the Commons hope your Lordships will not now renew a Question concerning the Method of granting Aids, which formerly occasion'd great Debates ; and which may now beget many Conferences, and end in great Inconveniences.

3. The said Amendments make the Bill incoherent, for both Houses having agreed, that the Forfeitures should commence from July 20, it will look strange that the Forfeitures should begin before the Duty is made payable.

4. Ships are now arriving daily, with the Commodities mentioned in the Bill ; and it will therefore be a loss to the King, by putting the Commencement of the Duty so far off.

5. As to your Proviso, it being an Alteration, the Commons assign their first Reason for disagreeing to it ; and hope your Lordships will not revive old Disputes.

The same day the King gave the Royal Assent to several Bills, viz. *An Act for an additional Excise on Beer, Ale, &c.* The Royal Assent given to several Acts.
An Act to regulate the Administrations of Oaths to be taken by Commission and Warrant Officers. *An Act for taking away the Court held before the President of the Marches of Wales.* *An Act for vesting in the two Universities the Presentation of Benefices belonging to Papists.* *An Act for erecting a Court of Conscience at Newcastle-upon-Tyne.* *An Act for erecting a Court of Conscience in the City of Bristol.* *An Act for the better regulating the Salt-Works at Droitwich.* And to one private Act.

The same day, likewise, it was resolved, That a Clause be prepar'd and brought in, that the Duties settled by the Book of Rates now in being, shall continue and be collected until new Books of Rates shall be settled by the Commons in Parliament, and signed by their Speaker, and no longer ; and to enact, that the said new Books of Rates shall be settled within the space of three Years.

Duties to be collected by the old Book of Rates till a new one is prepar'd.

The 26th, the two Houses had a Conference on the Bill to reverse the two Judgments against Oates, when the Lords insisted on their Amendments.

The 28th, the Lords, at a Conference, gave their Reasons for insisting on their Proviso to the Bill for an additional Duty on Coffee, Tea and Chocolate : Which were in Substance as follow :

Lords Reasons for insisting on their Proviso to the Bill for an additional Duty on Coffee, &c.

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1689.

The Lords are much surpriz'd at the Assertion of the Commons. That, in all Aids, given to the King by the Commons, the Rates or Tax ought not to be any ways alter'd by the Lords, since they conceive it hath always been their undoubted Right in such Case, to lessen the said Rate or Tax, whereof several Precedents might be given, which at present they are willing to forbear, that they might not revive old Disputes.

But as to their present *Proviso*, their Lordships are of Opinion this general Point is not to the Case now in difference; it being neither an Alteration nor lessening of the Duty laid upon those Commodities; for a Drawback on the Re-exportation, cannot be said to lessen the Rates impos'd upon them; it does indeed take away so much from the King's Income, but adds much more to the Benefit of Trade, which the Lords conceive they are equal and competent Judges of, and therefore may very well insist on their *Proviso*.

To which the Duke of Bolton added, That he hoped a good Correspondence would be maintain'd between the two Houses; for that they were Englishmen, as well as the Commons.

And the Question being put, to agree with the Lords, it pass'd in the Negative, and Reasons to be offer'd at a free Conference were directed to be prepar'd.

The 31st, the Lords desir'd a free Conference on the Bill of Rights and Succession, of which Major Wildman gave the following Report.

Report of a free Conference with the Lords on the Bill of Rights and Succession.

That the Bishop of Salisbury was Chief Manager for the Lords, who said the Lords had consider'd of what was offer'd at the last free Conference; and as to the two Clauses, and all Matters depending thereon, touching the Declaration to be made by the King and Queen, and the Persons to take the same, the Lords insist upon their Amendment; and that they adhere to their Amendment touching the Limitation to the Princess Sophia of Hanover.

That the Managers there propos'd to the Lords, whether the Lords would admit of any farther Debate touching the said Matters; to which the Lords reply, No; they had no such thing in Charge from the Lords. After which, the House adjourn'd upon the Question to August 2.

August 2. The Solicitor-General, according to Order, presented to the House, a digested Report of what pass'd at the last free Conference with the Lords, on the reversing the Two Judgments against Oates; in the conclusion of which, the whole Case was thus stated.

Oates's Case stated.

A Writ of Error is brought into the House of Peers, the Lords do all avow the Judgment to be erroneous; yet, as Judges, do, for collateral Reasons, assume an arbitrary Power to affirm it.

The

The Nature of the Judgment being such, as that every Subject was concerned in the highest Degree, that so dangerous a Precedent should not stand, the Commons find themselves under a Necessity of sending a Bill to the Lords to set the Matter right by reversing the Judgment.

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1689.

The Lords refuse to pass this Bill but upon Terms.

1. That part of the Record must stand.
2. That there must be no notice taken of the Judgments of Affirmation given by the Peers.

As these are the Terms now stood upon, so, in any other like Case, they might impose what other Conditions they had a mind to: The Consequence of which must be, that the Lords, as Judges, make what they think fit to be Law, and the Matter shall never be set right in the Legislative way, but upon such Conditions as the Lords shall please to impose.

And how far this concern'd both the King and the Commons as to their Right in the Legislature, was obvious.

The Question being then put to agree with the Lords, it passed in the Negative.

Ordered, That the Committee who manag'd the above Conference, do inspect the Journals of both Houses, and examine whether there be any Precedent of free Conferences, wherein there hath not been a Liberty of Debate, of the Matters for which such free Conferences have been desir'd.

Order thereon.

The 9th, the Resolution of the Committee of the whole House, That it was their Opinion that an additional *Proviso* should be added to the Bill for settling the Revenue, for granting 40000l. *per Annum* to the Princess Anne of Denmark for her Life only, was reported; and, on the Question, it was resolved, that the Debate should be adjourn'd, till the Revenue came again under Consideration.

Mr. Hampden (Chairman of the Committee) also, at the same time, acquainted the House that he was directed by the Committee to move that a Bill may be brought in for settling a particular Fund, for satisfying the 600000l. to the Dutch for defraying the Charges of the Expedition to England; and also for 60000l. for the Servants of Charles II. to both which Particulars the House agreed.

600000 l. voted
to the Dutch.

And 60000 l. to
the Servants of
Charles II.

The 12th, the Committee upon the Irish Affairs deliver'd in their Report, the principal part of which, turning on the Conduct of Colonel Lundy, Governour of London-Derry;

Resolved, That an humble Address be presented to his Majesty, that Colonel Lundy be sent over to London-Derry to be try'd there for the Treasons laid to his charge.

Vote against
Col. Lundy.

The 13th, the Reasons to be offer'd to the Lords at a Conference with the Lords for settling the Method of Proceedings between the two Houses, upon Conferences, and free Conferences; was reported by the Solicitor-General, and were, in Substance, as follow.

The

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Reasons to be
offer'd at a
Conference with
the Lords for
settling the
Order of Confe-
rences, &c.

' The Commons have desired this Conference, on Oecasion of your Lordships Message to them, signifying that your Lordships adhered to your Amendments in the Case of Oates; and have commanded us to open it with a Brief of the Dispute between the two Houses.

' Writs of Error were brought to reverse two Judgments against Oates, for Perjury, by which he was sentenc'd to be degraded, to be set in the Pillory annually several Times; to be imprison'd for Life; to be whipt from Aldgate to Newgate one Day, and from Newgate to Tyburn the next.

' These Judgments your Lordships thought fit to affirm.

' These Precedents being of such dangerous Consequence to every English Subject, the Commons thought themselves under a necessity of sending up a Bill to your Lordships to have them revers'd; in which Bill, they are call'd erroneous, illegal, cruel, and of evil Example to future Ages.

' Your Lordships by Message acquainted the Commons, that you had agreed to the Bill with Amendments.

' By these Amendments the Words *illegal, cruel, and of evil Example to future Ages* are left out; and a Clause is added, that such excessive Punishments should not be inflicted for the future.

' The Words relating to the annulling the said Judgments of the Peers on the Writ of Error, are likewise left out; and a Clause is added, that, till the Matters for which Oates was convicted be heard, and determin'd in Parliament, he should not be received as a Witness in any Court or Cause.

' The Commons, at a Conference, deliver'd their Reasons why they could not agree to these Amendments; your Lordships did the same for insisting on them; but they not proving satisfactory to the Commons, a free Conference was desir'd and obtain'd, in which your Lordships own'd that the whole House of Peers was satisfy'd that the Judgments given by the King's-Bench were erroneous, extravagant, and the Punishment so exorbitant, as ought not to be inflicted on any English Subject, and also that you would not debate whether an erroneous Judgment was not illegal: But yet your Lordships did declare, that, upon the Writs of Error, you had chosen to affirm the Judgment, rather than Oates should be restored to his Testimony; which must have been the Consequence of the Reversal.

' After your Lordships had own'd so much at the Conference, the Commons were extremely surpriz'd to receive a Message that you adhered to your Amendments.

' First, because by this general Vote of adhering, your Lordships depart from what was yielded at the free Conference.

Secondly,

' Secondly, your Lordships proceeding to adhere upon the first free Conference, they look upon to be irregular; at least, contrary to the ordinary Course of Proceedings between the two Houses. Especially, if such Adhering should be look'd upon as conclusive, since 'tis usual to have two free Conferences or more, before either House proceeds to adhere.

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1689.

' And, as to the Course of Parliament, so it is suitable to the Nature of Things, that there should be no Adhering before two free Conferences, at least: Because, before that Time, each House is not fully possess'd of the Reasons upon which the other does proceed, nor have full Opportunities of making Replies: Wherefore, to adhere sooner, is to exclude all Possibility of offering Expedients.

' Beside this Method of adhering so suddenly and unexpectedly, draws very great Inconveniencies after it: As hath appeared this Session; *The Additional Poll-Bill*, having been lost, to the great Prejudice of the Crown, by your Lordships, adhering upon the first free Conference. *The Bill of Rights*, likewise, in which your Lordships, as well as the Commons are highly concern'd, by that same quick Way of adhering is in danger to be lost: And no Inconveniencies can be greater than what must follow the Loss of this Bill, if your Lordships should take upon yourselves to be conclusive, by adhering upon the first free Conference.

' For the Commons think it undeniable, That in Proceedings in your judicial Capacity, upon Writ of Error, your Lordships are as much bound to give Judgment upon the Record, according to the strict Rules of Law, as any inferior Court whatever, and ought not to enter into the Consideration of Persons, or collateral Respects.

' That, for your Lordships to assume a discretional Power, to affirm a Judgment, tho' at the same Time, you agree it is erroneous, is to assume a Power to make Law, instead of judging according to the Rules of Law.

' That, when the Commons send up a Bill to your Lordships, in order to prevent the Mischiefs of such destructive Precedents, for your Lordships to refuse to reverse those Judgments, tho' confess'd to be erroneous, (unless upon such Terms as you are pleas'd to impose, and to which the Commons cannot, in reason, agree) is to leave the Kingdom without Redress against acknowledged Wrongs.

' It is recorded, to the Honour of your noble Ancestors, That they declared they would not change the Laws; and the Commons hope, you will pursue their Steps, and not, by affirming erroneous Judgments, go about to make that Law, which was not so before; and, by insisting upon collateral Terms, before you will reverse those Judgments in the legislative Way, take to yourselves in effect the whole Power,

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Power of the Legislature; which is not only to change the Law, but to subvert the Constitution of the Government; if your Lordships should persist in such a Way of Proceeding, and the Commons should acquiesce in it.

‘ The Commons, therefore, hope your Lordships will not persist in this unusual Way of Adhering, which manifestly tends to the Interruption of a good Correspondence between the two Houses, at this time of such absolute Necessity for the Establishing the Government, and for the Peace and Safety of the Kingdom.’

Petition against
Colonel Copley.

The same day, George Mawson, Deputy Post-Master of Kingston upon Hull, exhibited a Petition to the House, complaining that Colonel Copley, Lieutenant-Governor of Hull, had divers times taken into his possession the Post-Mail coming to the said Town, and dispos'd of the Letters at his Pleasure, to the great Prejudice of the Traders, &c. of the said Town, and the Gentry in the Neighbourhood. That he having made Complaint of this to John Wildman Esq; Post-Master General, the said Post-Master ordered him to cause the Mails to be brought directly to his own House; and, likewise, wrote to the said Colonel Copley to enjoin him, not to open the Mail for the future: Notwithstanding which, the said Colonel Copley behaved as before, and sent for the Petitioner to come to him, who declining it, on account of Indisposition; the said Copley order'd a Serjeant, and four Musqueteers to bring him, tied Neck and Heels, which they did with such a strange Violence, that the Blood gush'd out of his Nose and Mouth, and kept him in that intolerable Posture for two Hours. In consequence of which, the said Petitioner is disabled in his Limbs, and impair'd in his Sight, &c. and for as much as the said Petitioner cannot have his Remedy against the said Copley, by a due Course of Law, praying the House to take his Case into Consideration, &c.

Order'd, That Lieutenant-Colonel Copley do attend the House.

The 14th, The said Copley attended accordingly, and the Petitioner having made good his Allegations,

Votes thereon.

‘ *Resolv'd*, That the Seizing the Mail, and breaking open the Post-Letters by any military Officer, or Soldier, is a Violation of the Right of the Subject.

‘ That the breaking open the Letters directed to, or sent from a Member, is a Breach of Privilege.

‘ That the Imprisoning, or inflicting any Punishments, by any Officer or Soldier, upon any of the Subjects of this Kingdom, not being in actual military Service, and in Pay, is a Violation of the Rights of the People.

‘ *That*,

' That, the Case of the Petitioner, be referr'd to the Anno 1 W. & M.
Committee of Grievances.' 1689.

The 16th, Another Petition was presented against the said Copley, for exacting a Farthing a Tun, from every Ship entering the Port of Hull: Upon which he was again summon'd to attend the House; and alledging the said Farthing a Tun was his Perquisite, as Lieutenant-Governor, for the Maintenance of a certain Chain;

Resolv'd, That the Levying a Farthing a Tun, or any Sum of Money on Ships coming into the Port of Hull, upon Pretence of maintaining a Chain there, is an illegal Exaction upon the People.

And he was afterwards enjoined to levy the said pretended Duty no more.

The 20th, An Address was ordered to be presented to his Majesty, That his Majesty would be pleas'd to make some Allowance to Mr. Oates for his Maintenance.

The same day, the King came to the House of Peers; and pass'd the following Bills, viz. *An Act for appropriating certain Duties for Paying the States-General: An Act for the better preventing the Exportation of Wool, and encouraging the Woollen Manufactures: An Act for the appointing additional Commissioners for the Land-Tax: An Act for the Relief of the Protestant Irish Clergy: An Act to repeal a Statute of Henry IV. against multiplying Gold and Silver: An Act for explaining Part of an Act, relating to tanned Leather: And two private Acts.* Royal Assent given to several Bills.

After which, the Lord Privy-Seal signify'd, That it was his Majesty's Pleasure, that both Houses should severally adjourn themselves till September the 20th; but that his Majesty did not intend there should then be a Session, unless some Emergency of Affairs happen'd: and, that, whenever a Session was to be, his Majesty would give them Notice by Proclamation.

October the 10th, The Parliament met, when his Majesty was pleas'd to make the following most gracious * Speech to both Houses.

' My Lords and Gentlemen,
' **T**H O' the last Sitting continued so long, that perhaps it might have been more agreeable to you, in relation
' **T**OME II. Y y ' The King's Speech to both Houses.

* It is remarkable, (says Mr. Oldmixon) that this Speech, which met with universal Applause, was compos'd by the King himself, who, on the 18th of October, produc'd it to the Council, written with his own Hand in French, at which Time he was pleas'd to say,

' I know most of my Predecessors were us'd to commit the drawing of such Speeches to their Ministers, who generally had their private Aims and Interests in View; to prevent which, I have thought fit to write it myself in French, because I am not so great a Master of the English Tongue: Therefore I desire you to look it over, and change what you shall amiss, that it may be translated into English.'

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tion to your private Concerns, not to have met again so soon; yet the Interest of the Public lays an indispensable Obligation upon me to call you together at this time.

In your last Meeting, you gave me so many Testimonies of your Affection, as well as Confidence in me, that I do not at all question, but in this I shall receive fresh Proofs of both.

I esteem it one of the greatest Misfortunes can befall me, that, in the Beginning of my Reign, I am forc'd to ask such large Supplies; tho' I have this Satisfaction, that they are desir'd for no other Purposes, but the carrying on those Wars, into which I enter'd with your Advice, and Assurance of your Assistance. Nor can I doubt of the Blessing of God upon an Undertaking, wherein I did not engage out of a vain Ambition, but from the Necessity of opposing those, who have so visibly discover'd their Designs of destroying our Religion and Liberties.

It is well known how far I have expos'd myself to rescue this Nation from the Dangers that threaten'd, not only your Liberty, but the Protestant Religion in general, of which the Church of England is one of the greatest Supports, and for the Defence whereof, I am ready again to venture my Life.

My Lords and Gentlemen,

That which I have to ask of you at present, is, that what you think fit to give towards the Charges of the War for the next Year, may be done without Delay: And there is one Reason, which more particularly obliges me to press you to a speedy Determination in this Matter, because this next Month there is appointed, at the Hague, a General Meeting, of all the Princes and States concern'd in this War against France, in order to concert Measures for the next Campaign. And till I know your Intentions, I shall not only be uncertain myself, what Resolutions to take, but our Allies will be under the same Doubts, unless they see me supported by your Assistance. Besides, if I know not in time what you will do, I cannot make such Provisions as will be requisite, but shall be expos'd to the same Inconveniences, which were the Cause that the Preparations for this were neither so effectual nor expeditious as was necessary: The Charge will also be considerably less'n'd, by giving time to provide Things in their proper Season, and without Confusion.

I have no other Aim in this, but to be in a Condition to attack our Enemies in so vigorous a Manner, as by the Help of God, in a little time may bring us to a lasting and honourable Peace, by which my Subjects may be freed from the extraordinary Expences of a lingering War; and that

that I can have no greater Satisfaction, than in contributing to their Ease, I hope I have already given Proof. Anno : W & M
1689.

‘ That you may be satisfy’d how the Money has been laid out, which you have already given, I have directed the Accounts to be laid before you, whenever you think fit to call for them.

‘ My Lords and Gentlemen,
‘ I have one thing more to recommend to you, which is, the Dispatch of a *Bill of Indemnity*; that the Minds of my good Subjects being quieted, we may all unanimously concur to promote the Welfare and Honour of the Kingdom.’

Resolved, That the humble Thanks of the House be return’d to his Majesty, for his gracious Speech. Thanks voted.

The same day, the Sheriffs of London waited on the House, and being admitted, signify’d, That the Lord-Mayor, and Citizens of London, humbly pray’d, That the House would do them the Honour to dine with them, on the Lord-Mayor’s Day. Which Invitation the House accepted of, and return’d their Thanks for the same. The City invites
the House to
Dinner.

The 21st, Colonel Lundy presented a Petition to the House, praying, That, if he may not have the Benefit of the *intended Bill of Indemnity*, he may receive his Trial in England; and above all, desires it may be in Parliament. Colonel Lundy’s
Petition.

After which, his Majesty, by Message, commanded the House, to attend him in the House of Peers, where he was pleas’d to prorogue the Parliament. Parliament pro-
rogued.
Second Session

The 23^d, both Houses assembled again, When his Majesty was pleas’d to declare from the Throne, ‘ That, having spoke so lately to them, he need not say any Thing now; Matters not having been altered from what was then: And therefore referr’d to what he had said last to both Houses, and desir’d that speedy Resolutions might be taken.’ of the Con-
vention
Parliament.

The 24th, The House *Resolved, nem. con.* That they would stand by, and assist his Majesty in reducing Ireland, and joining with his Allies abroad, in a vigorous Prosecution of a War against France. Votes to stand
by his Majesty:
And for a State
of the War.

And, That his Majesty be humbly address’d, That he would be pleas’d to direct, that a State of the War for the ensuing Year may be laid before the House.

The 25th, The Misdemeanors of Burton, and Grahme, were again reported to the House, from the Journals of the last Session (Vid. pag. 316.) At the same time, was reported, likewise, The Case of Sir Thomas Jenner, late one of the Barons of the Exchequer: Who was charg’d with declaring for the King’s dispensing Power, for being a Commissioner for ecclesiastical Causes, for having acted as one

Anno 1741. & M.
1749.

of the Visitors of Magdalen College in Oxford, and committed most notorious Offences, in expelling the President and Fellows, &c. and afterwards joining in a Decree to make them for ever incapable of Preferment, either Spiritual or Temporal: All which, it was said, involv'd the said Sir Thomas Jenner in the Subversion of the Laws and Government of the Kingdom.

The House being then inform'd, that several State Prisoners were at that instant bailing in the King's Bench, by virtue of the *Habeas Corpus* Act, order'd, That Sir Thomas Jenner, Grahme, and Burton, be immediately brought to the House by the Governour of the Tower, to answer such Matters as shall be objected against them; and the said Jenner being bail'd before the Warrant of the House could be serv'd, the Serjeant at Arms was order'd to take him into Custody; as likewise Burton and Grahme, which last were brought to the Bar and examin'd; but not giving satisfaction, a Committee was appointed to prepare a Charge against them.

Add Lord
Castlemain, Sir
Edward Hales,
&c.

The 26th, Order'd, That the Governour of the Tower do immediately bring before the House the Earl of Castlemain, Sir Edward Hales, Charles Hales Esq; and Obadiah Walker, to answer such Matters as should be charg'd against them.

The Earls of
Salisbury and
Peterborough
impeach'd, &c.

Resolved, That an Impeachment of High-Treason be sent to the Lords against the Earls of Salisbury and Peterborough, for departing from their Allegiance, and being reconciled to the Church of Rome.

And that Mr. Foley do impeach the said Earls at the Bar of the House of Lords, in the Name of the House of Commons, and of all the Commons of England, which was accordingly done; and the Lords committed the Earl of Peterborough to the Tower the same day, where the Earl of Salisbury was already confin'd.

Sir Edward Hales, Charles Hales, and Obadiah Walker, being then severally brought to the Bar, and put on their Defence, Walker and Sir Edward were order'd to the Tower, but Mr. Hales was discharg'd.

The 28th, the Earl of Castlemain being brought to the Bar, and there examin'd, it was order'd that the said Earl be charg'd in the Tower, by Warrant from the House, for High-Treason and other High Crimes and Misdemeanours. And the said Earl desiring he might have the Liberty of the Tower, and of being waited upon by his Servants, &c. and not to be confin'd close Prisoner, as Orders had been of late given, both with regard to him and others; a Debate arose, (the Earl being first withdrawn) the Result of which was the Appointment of a Committee to bring in a Bill for the better regulating the Imprisonment of the Subject, who

A Bill to regulate Imprisonment voted.

were

were likewise empowered to examine into Abuses committed by Goalers, &c. Agro 17. 2. 1689.

Resolved further, That Mr. Attorney-General be order'd to prosecute Mr. Richardson the Keeper of Newgate, for his illegal Usage of several of the King's Subjects, during their Imprisonment.

November 1. Sir * Henry Capel presented to the House two Accounts of the Monies arising from the Revenue, and the Issues by way of Imprest. Lord † Ranelagh, likewise, presented to the House (as he declar'd) by his Majesty's Command, a State of the War for the ensuing Year, *viz.* Several Accounts presented.

For the English Forces in England.

For the Dutch Forces in England.

For the English Forces in Holland.

And, for the Forces in Ireland.

Sir Thomas Lee presented the State of the Navy for the ensuing Year; and Sir Henry Goddrick, a State of the Ordinance.

All which Accounts being read, resolv'd, That a Committee be appointed to inspect the Expences of the War the last Year, and to make their Report to the House.

Resolved, nem. con. That a Committee be appointed to examine by what means the Intelligence came to be given to their Majesties Enemies, concerning the several Stations of the Winter-Guards of the Navy; as likewise into Mistcarriages in the Victualling of the Navy; the Transportation of the Army, and whatever relates to the last Year's Conduct of the War. An Enquiry voted into the Conduct of the War.

The 2d, a Sum not exceeding two Millions to be added to the publick Revenue was voted for the reducing Ireland, and joining with the Allies in a vigorous Prosecution of the War against France, both by Sea and Land. A Supply of two Millions granted.

The 6th, the Bill declaring the Rights and Liberties of the Subject, and settling the Succession of the Crown, was passed *nem. con.* and order'd up to the Lords for their Concurrence. Bill of Rights and Succession pass'd.

The same day, at the Motion of Sir Edward Seymour, it was resolv'd, That his Majesty should be address'd to issue out a Proclamation for apprehending Colonel Ludlow, who stands attainted of High-Treason by Act of Parliament for the Murder of King Charles the First; and that a Reward may be propos'd for such as shall apprehend him. An Address for apprehending Col. Ludlow.

Resolved nem. con. That a Bill be brought in for the Forfeiture of the Estates and Honour of George Lord Jeffreys. Bill order'd in for the Forfeiture of the Estates of Lord Jeffreys.

The 7th, the House came to the following Resolutions, *viz.*

That

- Auditor of the Imprest.
- † Paymaster of the Forces.

Anno 1 W. & M.
1689.

Resolutions relating to Ways and Means.

That towards the raising the two Millions Supply, there be a Review of the Poll-Bill; and that a Bill be brought in for that purpose.

That there be a Tax of 20s. laid upon every Shopkeeper, Tradesman and Artificer, worth 300 l. clear personal Estate.

That a Tax of 100,000 l. be laid upon the Jews.

The 8th, the Committee having propos'd it as their Opinion, that all Officers Civil and Ecclesiastical should pay half a Year's Profits of their Salaries and Perquisites towards the said Supply, it pass'd in the Negative.

Resolv'd, That the pecuniary Penalties, incur'd by all Privy Counsellors, Lord Lieutenants, Deputy Lieutenants, and all other Officers Civil and Military, (except such as are now actually employ'd in the Fleet and Army) who have accepted any Place or Office contrary to the Act of the 25th of Charles II. entitled, *An Act for preventing Dangers which may arise from Popish Recusants*, be speedily levy'd and apply'd to the making good the Supply.

The King's Answer to the Address relating to Col. Ludlow.

The same day, Sir Edward Seymour inform'd the House, that, in answer to their Address for apprehending Colonel Ludlow, his Majesty had said, 'That the Address was so reasonable, and the Desire so just, that he would order a Proclamation to be issued out immediately for that purpose.'

Farther Resolutions on the Supply.

The 9th, the House came to these farther Resolutions on the Supply, *viz.*

That a Committee be appointed to receive and consider of Proposals for advancing Monies upon the Securities of Estates forfeited by the present Rebellion in Ireland; and a Committee was appointed accordingly.

That a Sum not exceeding 1,400,000 l. be charg'd upon Land, the same to be rais'd by a Pound-Rate of 2s. for one Year, together with the proportionable Charge on all Persons and Estates, charg'd by the late Act for an Aid of 12 d. *per* Pound: as also a farther Charge of 2s. *per* Pound upon all such Persons as shall refuse to take the Oaths appointed instead of the late Oaths of Allegiance.

And that the House will take care, that such Persons who shall hereafter advance any Sum, not exceeding 300,000 l. upon the 12 d. Subsidy last granted, shall have their Debts transfer'd to the Subsidy now granted; in case the others should fall short.

An Address voted for an Inspection into the State of the Army in Ireland.

The 11th, *Resolv'd*, That an humble Address be presented, &c. that his Majesty will be pleas'd to appoint some fit Person to go over into Ireland, to take an Account of the Number of the Army there, and the State and Condition of it.

The

The 13th, the Merchants of London presented a Petition setting forth, that they paid great Customs for the Guard of the Seas; and having many Vessels homeward bound when the War with France was declar'd, which had no knowledge thereof, the very Mouth of the Channel was then so infested with French Privateers, that they lost near 100 Sail of Ships to the Value of 600,000*l*. That many of such as have escaped from the Enemy, have laid in the Western Ports near three Months. That others have been fain to hire Foreigners, or pay considerable Sums to the English to convoy them to the Downs, as they are ready to make appear, &c.

Anno 1*W.&M.*
1689.

Grievances of
the London
Merchants.

Some of the said Merchants being then called in, and being desir'd to name any one Commander who had taken Money; Captain George Churchill was named, who had exacted 40*l*. of Emanuel Hudson and others, which they had Evidence to prove, whenever the House would please to give them a Hearing: Which was accordingly ordered for the Monday following.

The 14th, Sir John Guise acquainted the House, that having waited on his Majesty with their Address for sending a fit Person into Ireland, for inspecting the State of the Army: his Majesty was pleased to reply, 'That he would send some Persons forthwith into Ireland, according to the Desire of the House.'

The King's
Answer to the
Address for a
Person to in-
spect the Army
in Ireland.

The same day the House agreed with the Committee, that the Want of a Guard or Convoys for the Merchants last Year, hath been an obstruction of Trade, and an occasion of great Loss to the Nation.

The 18th, it was resolv'd, That all who have lent any Sums of Money on the 12*d*. *per* Pound Land-Tax, since the 11th of November Instant, not exceeding 300,000*l*. shall have liberty to transfer the same with the Interest thereof upon the Aid for granting an Aid of 2*s*. in the Pound.

The same day the Complaints of the London-Merchants against several Commanders of Ships for exacting Money for Convoys were heard at the Bar of the House; and Captain Churchill, a Member, being particularly charg'd, and having been heard in his Place:

Resolv'd, That the requiring or receiving of Monies for Convoys, is illegal, oppressive to Merchants, and destructive to Trade.

Resolutions on
the Case of the
Merchants with
respect to Con-
voys.

That Captain Churchill is guilty of requiring and receiving Monies for Convoys, and that he be committed to the Tower for the same; which was done the same day: But he was afterwards released on his petitioning the House, and acknowledging

Capt. Churchill
committed, and
released.

Ann. 7th W. & M. acknowledging his Fault, &c. without any farther Punishment.

1689.

The 19th, the Affair of Sir Thomas Armstrong was again reported (*Vid. p. 307.*) upon which the House came to the following Resolutions, *viz.*

Resolutions on
the Case of Sir
T. Armstrong.

That Sir Thomas Armstrong's Plea on the Statute 5 Edward VI. ought to have been admitted; and that the executing him upon the Attainder by Outlawry was illegal, and a Murder by pretence of Law.

That the Executors and Heirs of the said Sir Tho. Armstrong, ought to have Reparation of their Losses out of the Estates of the four Judges and two Prosecutors.

That a Writ of Error for Reversal of a Judgment in Felony or Treason, is the Right of the Subject, and ought to be granted at his Desire; and is not an Act of Grace or Favour, which may be denied or granted at pleasure.

The House was then inform'd by the Committee appointed to examine this iniquitous Affair, that Sir Tho. Armstrong's real Estate was 300*l. per Ann.* and that his personal Estate consisted of Bonds, &c. for 4800*l.* and 3270 Guineas, and an Annuity of 500*l. per Ann.*

Order'd, That Leave be given to bring in a Bill to reverse the Attainder of the said Sir Tho. Armstrong and to make Reparation to his Widow and Children out of the Estates of the Judges and Prosecutors, and that the Bill do pass without Fees.

The same day Dr. Walker, famous for his Defence of Londonderry (having before presented a Petition in favour of the Widows and Orphans of those slain there, &c.) was call'd in to receive the Thanks of the House for his gallant Behaviour. Which were thus deliver'd by the Speaker:

The Thanks of
the House given
to Dr. Walker.

Doctor Walker, The House received a Petition from you yesterday, in behalf of several Widows and Orphans of those that were slain and died in the Siege of Londonderry; and also of the Clergy that were there and sustain'd great Hardships in the Siege; and this House has thought fit to recommend your Petition, with an Address to the King, that there might be 10,000*l.* paid for the Ease of their present Sufferings.

They, likewise, take notice of the extraordinary Service you have done to their Majesties, and to England and Ireland in Defence of Londonderry; and especially that you undertook it when those, to whose care it was committed, did shamefully if not perfidiously desert that Place, and have thought fit to shew a Particular Regard of the Merit, and give you the Thanks of this House; and they would have you give the Thanks of this House to all those who were in that Service.

To

To which the Doctor reply'd to the Effect following :

' Sir, as for the Service I have done, 'tis very little, and does not deserve the Favour you have done me. I shall give the Thanks of this House to those concern'd with me, as you desire ; and dare assure you, that both I and they will continue faithful to the Service of King William and Queen Mary, to the end of our Lives.'

Answer W. M. M.

1689.

His Reply.

The House having, been informed that some Doubts were made upon the Vote of Yesterday for transferring the Credit of 300,000*l.* whether it extended to what might be lent, as well as what had been lent ; *Resolved*, That it should extend to both.

The 20th, two Petitions were presented, complaining, That the St. Albans and the Centurion, two of their Majesties Ships, commanded by the Captains Legton and Beaumont, had seiz'd on a Ship bound from Cork to Copenhagen, and confiscated the Effects on board, Value 3000*l.* and that the Greyhound Man of War Capt. Guilman, had plunder'd a Pink homeward-bound from Bourdeaux, of 20 Casks of Brandy, one Cask of Vinegar, and other Provisions.

Two Petitions against certain Captains of Men of War.

The said Petitions were referred to a Committee, appointed on the 18th to examine the Case of one Arthur Dayley, who had lodg'd a Complaint against the Captain of one of their Majesties Ships, for having press'd so many Hands out of the Vessel he commanded, while at Sea, that she was thereby lost.

The 22d, *Order'd*, That Leave be given to bring in a Bill to reverse two Judgments obtain'd by the Duke of Beaufort in two Actions of *Scand. Mag.* one in the Common-Pleas against Sir Trevor Williams Bart. for 10,000*l.* and the other in the King's-Bench against John Arnold Esq; for 10,100*l.* Damages.

A Bill order'd for revering two Judgments on Scand. Mag.

And that a Clause be added in the said Bill for discharging an Action of *Scand. Mag.* now depending between the said Duke and John Dutton-Colt, Esq;

The same day a Petition from William Burton was read, praying a Mitigation of his Confinement ; but nothing was done in it.

The 24th, certain Complaints having been urg'd, of Abuses in victualling their Majesties Navy ; *Resolved*, That Sir John Parsons, Sir Richard Haddock, Alderman Sturt, and Mr. Nichol. Fenn, Commissioners, be sent for in Custody of the Serjeant at Arms

Commissioners of the Victualling sent for by the Serjeant at Arms.

The 26th, Col. Birch, from the Committee on forfeited Estates in Ireland, acquainted the House, that in case a Bill of Attainder is pass'd, as in 17 Car. II. one Captain Thornhill and others are willing to advance 30,000*l.* towards reducing

Bill of Attainder order'd against the Irish Rebels.

TOMES II.

Z. z.

that

June 17th. A.M. 1689. that Kingdom: And the House resolved that such a Bill be brought in accordingly.

An Address
voted against
Commissary
Shales.

The same day in a Committee of the whole House on the state of the Nation; *Resolved*, That it is the Opinion of this Committee, that an humble Address be presented, &c. that John Shales, Commissary-General of the Provisions, be forthwith taken into Custody, and all his Accounts, Papers, and Stores, be secur'd; that a fit Person, or Persons, be put in his place, and that his Majesty will be pleased to empower Duke Schomberg to do the same. To which the House agreed; and the said Address was order'd to be presented to his Majesty immediately.

Resolved, That it is the Opinion of this Committee, that an humble Address be presented, &c. that his Majesty will be pleas'd to let this House know who recommended Commissary Shales to his Majesty, and order'd his being employ'd. A Debate arising, when this Resolution was reported, a Motion was made to adjourn the said Debate, and pass'd in the Affirmative. Yeas 89. Noes 80.

The 27th, Major Wildman acquainted the House, that he had waited on his Majesty with their Address relating to Commissary-General Shales; and that his Majesty was pleas'd to answer to this Effect;

King's Answer.

'That he had some time since taken order therein, being inform'd of the said Captain Shales's Misdemeanours, and had written to Duke Schomberg for that purpose: And that he verily believed what was desired was already effectually done; tho' the Wind being contrary, he had not as yet received an Account thereof from Ireland.' The Copy of the King's Letter to Duke Schomberg was afterwards produc'd and read to the House.

The Question being then propos'd relating to the 2^d Resolution of the Committee, to address his Majesty that he would be pleas'd to let the House know who recommended the said Shales;

An Address
voted to know
who advis'd his
Majesty to em-
ploy the said
Shales.

The House divided first on the previous Question, which was carried in the Affirmative. Yeas 188. Noes 142. And then upon the main Question, which was likewise carried in the Affirmative. Yeas 195. Noes 146. And an Address was order'd to be prepar'd accordingly.

The Petition of
one Robinson, in
Custody for Bri-
bery at an Elec-
tion.

The 28th, a Petition from one Robinson, in the Custody of the Serjeant at Arms, for giving and taking Bribes at an Election for Stockbridge, (which brought the very disfranchising the said Borough into question) acknowledging his Fault, and praying to be discharg'd, was presented: And an Order was made for his Discharge accordingly.

Capt. Churchill
enlarg'd.

The same day Captain Churchill, likewise, in a Petition, acknowledg'd his Offence; and pray'd to be restor'd to the Favour

Favour of the House; and to be enlarg'd from the Tower, *Ann. 17. & 18. 1689.*
which was granted.

The 29th, the second Address relating to Commissary Shales was read and agreed to by the House; being in Substance as follows:

We your Majesty's &c. being filled with the sincerest Affection to your Majesty, and tenderly concern'd for the Safety of your Majesty and your People, and for the Honour of your Government, do most humbly represent the extreme Danger we conceive the Nation and your Majesty's Affairs to be in, by the Employment of Persons in the greatest Trust, who have corruptly and treacherously endeavour'd the Destruction of both; especially Mr. John Shales, who was made Commissary-General in Ireland, tho' notoriously known to be Popishly affected, &c. The Mischiefs which have happen'd by the Employment of this Man are so very great, that, without God's infinite Mercy, they might have entirely defeated your Majesty's good Intentions, and the Effect of the Resolutions of this House; and in particular, when that experienc'd General Duke Schomberg went into Ireland, he left strict Orders for the speedy transporting the Ordnance and Horse design'd for the Service of that Kingdom, and it pleas'd God to bless his first Attempt to that degree, that, had his said Orders been executed, your Majesty's Affairs had been in a better Posture than now they are. But the said Commissary Shales, to satisfy his Avarice, and partly out of Disaffection, did delay the Execution of the said Orders for several Weeks; by reason whereof your Majesty's Forces were not only disabled from pursuing the Advantages they had gain'd, but were also necessitated to encamp at Dundalk, which occasion'd the Loss of some Thousands of your Majesty's Subjects; wherefore we the Knights, &c. do most humbly desire that your Majesty would, be graciously pleas'd to let the House know who recommended the said Commissary Shales to your Majesty, that we may be the better enabled to give your Majesty such humble Advice as may tend to the Preservation of your Majesty's Royal Person and Government.

The King's Reply was as follows:

Gentlemen, 'tis impossible for me to give you an Answer to this Question.

The 30th, Mr. Prideaux renew'd his Petition to be reimburs'd 14760*l.* out of the Estate of the late Lord Jeffreys, being the Sum extorted by him from the said Prideaux, for the late King's Pardon, (*Vid.* pag. 309) and Leave was given to bring in a Bill to charge the Estate of the said Lord Jeffreys accordingly.

The second Address relating to Commissary Shales.

The King's Answer.

Mr. Prideaux renews his Petition.

Nov. 17. 1781.

1781.

A Message from
the King.

Nov. 17. 1781.

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Nov. 17. 1781.

The same day a Message from his Majesty was read to the House as follows:

WILLIAM Rex.

His Majesty having already declar'd his Resolution to prosecute the War in Ireland, with the utmost Vigour, and being desirous to use the Means that may be most satisfactory and effectual in order to it, is graciously pleas'd that this House do recommend a Number of Persons, not exceeding seven; to be commission'd by his Majesty to take care of the Provisions and such other Preparations as shall be necessary for that Service.

His Majesty is farther pleas'd to let the House know, that, upon Consideration of the Address of November 11. he gives them leave to nominate some Persons to go over into Ireland to take an Account of the Number, State, and Condition of the Army, who shall receive his Majesty's Orders accordingly.

Resolved, nem. con. That the whole House do attend his Majesty with their humble Thanks for the said most gracious Message.

A Motion being then made, to enter immediately on Ways and Means for raising the two Million Supply; the previous Question was put, and pass'd in the Negative. Yeas 189. Noes 182.

Resolutions
thereon.

December 2. *Resolved*, That this House do not think fit to recommend any Member of this House to be employed in the Service of Ireland, for the Purposes express'd in his Majesty's gracious Message.

That this House doth humbly desire to be excus'd from recommending any Person to his Majesty, to be employ'd in the Service of Ireland, but humbly leave it to his Majesty's great Wisdom to nominate fit Persons for that Service.

Ordered, That the Speaker do acquaint his Majesty with the said Resolutions, when he presents the Thanks of the House to his Majesty.

Presented to his
Majesty.

The 3d the Speaker acquainted the House that he had attended his Majesty with the Thanks of the House, and likewise acquainted his Majesty with the said Resolutions; who was pleas'd to return his Answer to this Effect:

His Answer.

Gentlemen,

I shall take all the care that may be, to carry on the War in Ireland with Vigour, and to employ such Persons as may be most proper for the Service: And I doubt not but I shall have the Assistance of the House of Commons to carry it on in such a manner, as may be according to your Desires and my Instructions.

The 5th, the Commissioners of the Victualling in Custody of the Serjeant at Arms, petition'd the House to be admitted

to Bill: And the House dividing upon the Question, it passed in the Affirmative. Yeas 117. Noes 105. on the following Terms, *viz.* That each of them should be bound in 5000 l. penalty for his Appearance, and find two Sureties to be bound in 2500 l. a piece more.

The 7th, a Clause being reported from the Committee on the Supply to be added to the Land-Tax Bill, for exempting the Quakers from double Taxes on their subscribing a Declaration of Fidelity to their Majesties; the House divided upon the Question, and it passed in the Affirmative. Yeas 170. Noes 78.

Another Clause was at the same time added to the said Bill for appropriating part of the Money to the Payment of the Seamen, and providing Victuals and Stores for the Navy.

A *Proviso* was likewise offer'd for exempting such Merchandizes from this Tax, as should be detain'd on board Ships in Port for want of Convoys; but pass'd in the Negative.

As did likewise a Motion for a Clause to deduct the Tax for Money upon Mortgages.

After which another *Proviso* was proposed and carried, That the Officers of the Court of Chancery should be taxed within the Liberty of the Rolls, and not elsewhere.

The 9th, the Blanks in the Land-Tax-Bill of Sums to be appropriated for the Use of the Navy, were filled up as follows:

Resolved, That the Blank for the Sum to be appropriated be filled up with 400,000 l.

To be thus employ'd.

For paying the Seamen, 200,000 l. for providing Victuals, 100,000 l. and for providing Stores, 100,000 l.

The same day a Clause was propos'd to be added to the said Bill, to empower the Commissioners to review the Assessments, and examine upon Oath, and if they find any Person omitted or under-rated, to reassess them, by such ways and means, and under such Penalties as before provided; and the House dividing upon the Question, it passed in the Affirmative. Yeas 136. Noes 127.

The 11th, the Land-Tax being read the third Time, an engross'd Clause was offer'd as a Rider, That the Sums appropriated for the Use of the Navy, shall not be diverted to any other Use, and pass'd in the Negative.

After which, the said Bill was pass'd, and sent up to the Lords for their Concurrence.

The 15th; the House agreed with the Committee on the State of the Nation:

That a Committee be appointed to examine and state the Condition of the Public Revenue, when his present Majesty accepted

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Commissioners
of the Victual-
ling, admitted
to Bill.

Quakers ex-
empted from
double Taxes.

Proceedings on
the Land-Tax-
Bill.

Sums appropri-
ated for the
Navy.

Land-Tax-Bill
pass'd.

Votes on the
State of the
Nation.

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accepted the Administration of the Government, and also to and at Michaelmas last; and also what Loans have been thereon, and how the same hath been apply'd.

And that an humble Address be presented to his Majesty, to lay before him the ill Conduct and Success of our Affairs, in reference to Ireland, the Armies and Fleet; and humbly to desire his Majesty, that he will be pleased to take into Consideration, and in his wisdom to find out the Authors of Miscarriages, and to appoint Affairs to be manag'd by Persons unsuspected, and more to the Safety of his Majesty and Satisfaction of his Subjects.

Commissary
Shales petitions
to be heard.

The 16th, Mr. Speaker acquainted the House that he had received a Letter and Packet from Commissary Shales, giving an Account of his Conduct; and a Petition to the House, requesting that he might be releas'd from his Confinement, and be permitted to come over and clear himself from the Matters laid to his charge.

Address thereon.

Ordered, That an Address be presented to his Majesty, that Commissary Shales be sent over in Custody with all convenient Speed; together with all his Papers, &c.

Royal Assent
given to the
Land-Tax-Bill,
and that of
Rights and
Succession.

Memorable
Clause in the
Bill of Rights.

The same day, the King gave the Royal Assent to *The Land-Tax-Bill: The Bill of Rights and Succession*: And two private Bills. In *The Bill of Rights* was this memorable Clause; 'That the Kings and Queens of England should be oblig'd, at their coming to the Crown, to take the Test in the first Parliament, that should be call'd at the beginning of their Reign; and that if any King or Queen of England, should embrace the Romish Religion, or marry with a Roman Catholic Prince or Princess, their Subjects should be absolv'd of their Allegiance; and that the Crown and Government of these Realms, should from Time to Time descend to, and be enjoy'd by such Persons, being Protestants, as should have inherited the same in Case the said Persons so reconcil'd to the Church of Rome, or marrying a Papist, as aforesaid, was naturally dead.' Mr. Powle, the Speaker, made a Speech to the King, when these Bills were presented to him; the Purport of it was, that the Parliament had given two Millions, which they desired him to accept graciously, and to give Life to *The Bill of Rights* by the Royal Assent.

Proviso in fa-
vour of the
the Prince and
Princess of
Denmark.

The 18th, the House agreed to a Proviso from the Committee of the whole House, upon the Bill for the Continuance of the collecting this Revenue for one Year: That nothing in the said Act should any way affect a Grant of 30,000 l. yearly made by the late King James to the Earls of Clarendon and Rochester, in Trust for the Prince and Princess of Denmark

The

The House, likewise * *Resolv'd*, That an humble Address be presented to his Majesty, That he would be pleas'd to make a Provision for the said Prince and Princess of Denmark, of 50,000*l.* in the Whole, for the Year, beginning at Christmas next.

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The 19th, the said Bill was pass'd, *nem. con.* and sent up to the House of Lords

The 20th, Mr. Hampden inform'd the House, that in answer to their Address relating to the bringing over Commissary Shales from Ireland, his Majesty was pleas'd to acquaint them, That he had sent some Orders of that kind; and had commanded him to attend Lord Shrewsbury to be satisfy'd therein. Which he had done, and had seen the Letter sent to the Duke of Schomberg: which import'd, That the said Shales should be sent over in Custody, if the Duke did not find it necessary before he came, to make up his Accounts. And, That if his Majesty had not given Orders for his Papers, it should be done;

His Majesty's
Answer to the
Address relating
to Commissary
Shales.

The 21st, Mr. Christy, from the Committee appointed to examine the Complaints against several Captains of Men of War, reported, That the Ship Avarilla, Abraham Wild Com-

Report of the
Complaints
against certain
Captains of
Men of War.

* *The Whole of this Affair, is thus represented by Mr. Oldmixon: A Motion being made for settling a Part of the Public Revenue on the Princess Anne of Denmark; it divided the House into three Parts. The Lord Eland, Son to the Marquis of Halifax, Mr. Finch, and Mr. Godolphin, who spoke in Favour of the Princess, insisted that 70,000*l.* per Ann. was as little as could be allow'd her; others, who consider'd the Public Necessities, would have that Sum reduc'd to 50,000*l.* and others again, who thought it was more for the King's Interest and Honour, to have that Allowance from himself, were for leaving that Matter wholly to his Majesty. And herein Mr. Hampden the Son, join'd with those that voted with the Court, and pleaded the Danger of settling a Revenue on a Princess who had so near a Claim to the Crown, independently of the King, whose Title was disputed by many Malcontents; and supported his Arguments by the Example of the Queen, on whom it had lately been propos'd to settle 100,000*l.* a Year; but it was thought improper, and therefore rejected, though her Majesty had no separate Interest from that of her Royal Consort. This Debate being adjourn'd to the next Day, the King, who was unwilling to have so delicate an Affair canvass'd farther in Parliament, sent the Earl of Shrewsbury and Mr. Wharton to the Princess, to persuade her to rely on his Generosity. A Step which seems to have been taken too hastily, unless his Majesty had been assur'd of having a more agreeable Answer from her Royal Highness, who reply'd, ' Since the Affair is before the Commons, it must e'en take its Course, and be concluded by that wise Body.' And here we may observe, that the Princess of Denmark had taken some Dislike at her Reception at Court, inspir'd into her by some of that Party, who were least affected to the Government; and those of her Servants, who had Seats in Parliament, were observ'd to be very well with those, whom the Court had least Reason to be fond of. At last, the Commons address'd the King, to settle 50,000*l.* a Year, on the Prince and Princess of Denmark, to which his Majesty answer'd, ' Gentlemen, Whatever comes from the House of Commons is so agreeable to me, and particularly this Address, that I shall do what you desire of me.'*

Anno 1744.
1744.



mander, Burden 300 Tuns, laden with 5,900 Hogheads of Tobacco, for which 7,000 l. had been paid and secur'd to the King, had her best Hands impress'd from on board her off Beachy, by the Henrietta Man of War, Captain Nevil; by which means she fell into the way of a French Privateer, who, tho' but of 8 Guns, took her, being then unable to make any Defence, and carry'd her into Dunkirk.

And, that the Recovery, Burden 100 Tuns, bound for New-England, with a Cargo of 12,000 l. Value and the Elizabeth, Burden 60 Tuns, bound for Barbadoes, having obtain'd Promise of Convoy, and received Instructions and sailing Orders from Commadore Raines, were detain'd by Captain Avery of their Majesties Ship the King's-Fisher, tho' the whole Fleet of Merchant-Men had then weigh'd Anchor, in order to impress their Hands, till the Convoy was out of sight, whereby they lost their Voyage, &c.

Resolution
thereon.

Resolv'd, That the Commissioners of the Admiralty be acquainted with the said Complaint, against the said Captains Nevil, and Avery; and that they be desir'd, when the said Captains come into Port, that they be sent for, to appear before this House, to answer to the Matters charg'd against them.

Address to the
King, on the
Miscarriages in
Ireland, &c.

The same Day the Address, relating to the ill Conduct and Success of Affairs in Ireland, was reported to the House, and contain'd in Substance, ' The deep Sense the Commons had of the ill Conduct of public Affairs, together with their unhappy Success, as well in Ireland, as in the King's Armies and Fleets: That it was the Duty of their Trust, to lay before his Majesty, the Wrong done, both to him and his People, and the imminent Danger of the Kingdom from the Want of Ability or Integrity in those who have had the Direction of the said Affairs, &c. [here follow'd a Detail of Particulars; most of which have already been explain'd in the Votes of the House] and it concluded with declaring, that the Remedy under God, consisted in his Majesty's Wisdom, and Affection to his People; and with recommending to his Majesty, to find out the Authors of the said Miscarriages, and to appoint Affairs to be manag'd by such Persons as are unsuspected; and more to the Safety of his Majesty and Ease of his Subjects.'

Order'd to be
re-committed.
Vote on the
Call of the
House,

After * Debate, *Resolv'd*, That the said Address be re-committed.

The 23d, *Resolv'd*, That the House be call'd over to-morrow Forthnight: And that all such Members as shall not appear,

* Mr. Hampden's Address was thought by some too long, by others too short; Mr. Hampden the Father spoke against it, as entering too far into the Detail of Miscarriages and Misfortunes, which too many of that Assembly did not care to bear enumerated, not in hopes of having, but for fear, Things should be amended. Mr. Oldmixon.

appear, without a reasonable Excuse, to the Satisfaction of the House, shall have their Names printed, to the End the Nation may know, who do attend, and who do neglect their Duty.

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The same Day, The King gave the Royal Assent to *An Act to prevent Doubts and Questions concerning the collecting the Revenue: An Act to punish Mutiny and Desertion, &c.* And to a private Bill.

Royal Assent
given to certain
Bills.

The 30th, The House agreed with the Committee on Ways and Means, That *a Bill be brought in, to forbid all Persons to sell, Beer, Ale, &c. or distil or sell Brandy, &c. without a Licence; That for every Licence to sell Beer, &c. an Imposition not under 20 s. shall be paid: To sell Coffee, &c. not under 40 s. To distil Brandy, &c. not under 5 l. And to sell Brandy, &c. not under 20 s.*

Licences voted,
for selling Beer,
Brandy, &c.

The 31st, The House agreed with the Committee on Ways and Means, That there be *an Imposition laid upon Tea and Coffee at the Custom-House.*

An Imposition
laid on Coffee,
&c. at the

And, that there be *an Imposition of one Quarter of a Year's full Value laid upon every House, erected upon a new Foundation, within the Bills of Mortality.*

Custom-Houses
Another on new
Buildings.

Jan. 3. *Resolv'd*, That the farther Sum of one Shilling in the Pound, for one Year, be laid on all Persons and Estates, *charg'd by the late Two Shilling-Act.*

A third Shilling
laid upon Land,
&c.

The 7th, Upon a Call of the House, Sir Jonathan Jennings being absent, and Information being given, That he was lately made High-Sheriff of Yorkshire, a Debate arose, and it was *Resolv'd, nem. con.* That the nominating any Member of this House, to the King, to be High-Sheriff, is a Breach of the Privileges of this House; and that an Address be made to his Majesty, that he will be pleas'd to continue another Sheriff for Yorkshire, in the room of Sir Jonathan Jennings.

Votes on a
Member's being
appointed High-
Sheriff.

The 9th, Mr. Cholmondeley, a Member, was order'd to be committed to the Tower, for a Contempt, in refusing to take the Oaths.

Mr. Cholmondeley
committed to the
Tower, for re-
fusing the
Oaths.

The 10th, After long and vehement Debates, on a Clause (which was * rejected) *to incapacitate such, as any ways acted*

TOME II.

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* The Clause so rejected was as follows, viz. ' Be it enacted by the Authority aforesaid, that every Mayor, Recorder, Sheriff, Common-Council-Man, Town-Clerk, Magistrate, or Officer, who did take upon him to consent to, or join in any such Surrender, or Instrument purporting such Surrender, as aforesaid, or did sollicite, procure, prosecute, or did pay or contribute to the Charge of prosecuting any Scire Facias, Quo Warranto, or Information in the Nature of Quo Warranto, by this Act declar'd unlawful, shall be, and is declar'd, adjudg'd, and enacted to be, for the Space of seven Years, incapable and disabled to all Intents and Purposes, to bear or execute any Office, Employment, or Place of Trust, as a Member of such respective Body Corporate, or in, or for such respective City, Town, Borough, or Cinque-Port; whereof, or wherein he was a Member at, or before the Time of making such Surrender, or Instrument purporting such Surrender, or the suing out, or prosecuting such Scire Facias, Quo Warranto, or Information in nature of Quo Warranto; any thing in this Act contain'd, or any other Case, Statute, or any Ordinance, Charter, Custom, or any thing to the contrary in any wise notwithstanding.'

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The Bill to restore the Rights of Corporations, pass'd.

A Bill to review the Poll, &c. pass'd.

Royal Assent given to two Bills.

The Lands, &c. settled on the late Queen Mary, vested in the King and Queen, in Trust for her.

Proceedings in the Case of Sir Thomas Armstrong.

Sir Robert Sawyer expelled.

Proceedings on the Bill of Indemnity.

A Petition against the Captain of the St. Albans Man of War.

in the Surrender of Charters, and many Divisions, in which the Majority, was never above 18; Resolv'd, That the Bill do pass, and that the Title thereof be, *An Act to restore Corporations to their Ancient Rights and Privileges.*

The 16th, The Bill to review the Poll granted to their Majesties, and for an Additional Poll towards the reducing of Ireland, was pass'd.

The same day, the King gave the Royal Assent to the Bill for collecting the Duty upon Coffee, Tea, and Chocolate, at the Custom-House; and to a private Bill.

The 18th, A Bill pass'd, to vest in their present Majesties, the Lands and Estates belonging to the late Queen Mary, or to any other Persons in Trust for her.

The same day, the House was acquainted, That his Majesty, had been graciously pleased to appoint Sir Charles Warnsford, to be High-Sheriff of Yorkshire, in the room of Sir Jonathan Jennings.

The 20th, on the Petition of Jo Lewkner, setting forth the debauch'd Practices of his Wife, against whom he had obtain'd a Divorce in the Ecclesiastical Courts, a Bill was ordered to illegitimate any Children his said Wife may have, during her Elopement.

The same day, the Committee on the Case of Sir Thomas Armstrong, confirm'd all that was alledg'd by his Widow and Daughters in their Petition; and Sir Robert Sawyer, a Member, being mention'd in the said Report, as one of the Prosecutors; a Debate arose, Whether his Name should be inserted in the Bill: And a Motion being made to adjourn the House, it pass'd in the Negative. After which, another Motion being made, That Sir Robert Sawyer be expell'd, the House divided, and it pass'd in the Affirmative, Yeas 131, Noes 71.

The 21st, the House proceeded with the Bill of Indemnity, and for inflicting Pains and Penalties on such as should be excepted. Which, according to Order, were to be the Business of one and the same Act, and a Motion being made to nominate particular Persons, the House divided on the previous Question, and it pass'd in the Negative, Yeas 170, Noes 190.

The 22d, a Complaint was lodg'd by way of Petition, against Captain Layton, Commander of the St. Albans Man of War, for seizing the Ship Concord homeward bound from Madeira, carrying her into Plimouth, plundering her there, to the Amount of 2,605 l and refusing to obey a Decree given against him in the Admiralty-Court, to make the Petitioner Restitution.

Referred to the Committee formerly appointed to examine several other Affairs of the like nature.

The same day, Sir Peter Rich, a Member, having been heard in his Place, in answer to the Petition of Sir Thomas Pilkington

Pilkington Lord-Mayor of London, and others (*Vid. p. 321.*) and being withdrawn, a Motion was made, and the Question being put, That the Lord-Mayor and the rest of the Petitioners should have Reparation out of the Estates of the Persons petitioned against, it pass'd in the Negative, Yeas 152, Noes 169.

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The 23d, the House agreed to the Exceptions to the Bill of Indemnity; of which the following Account is given by Mr. Oldmixon.

Exceptions to
the Bill of In-
demnity.

1. The asserting, advising and promoting the dispensing Power: This took in all the Judges except Baron Street, and all the Court-Lawyers in the late King's time. 2. The Commitment and Prosecution of the seven Bishops? This included John late Duke of Buckingham, Sir Richard Graham Viscount Preston, Henry Earl of Peterborough, Henry Lord Dover, William Marquis of Powis, Henry Lord Arundel of Wardour, Theophilus Earl of Huntingdon, Roger Earl of Castlemain, William Earl of Craven, George Lord Dartmouth, Sir John Ernley, Sir Edward Herbert, and two others every way infamous, Sir Nicholas Butler, and Jeffreys the Chancellor; who sign'd the Warrant for committing the Bishops, as did also the Lord Godolphin, who sufficiently atton'd afterwards for this false Step, by his many great Services to his Country. To these we must add Wright the Chief-Justice, Allybone a Popish Judge, Sir Thomas Powis, Sir Bartholomew Shower, Sir William Williams, who will be heard of again hereafter for their Zeal for such good Churchmen as themselves. 3. The advising, promoting, and executing the Ecclesiastical Commission: This would have thrown out of Indemnity, Laurence Hyde Earl of Rochester, John Sheffield Earl of Mulgrave, afterwards Duke of Buckinghamshire, Nathaniel Crew Bishop of Durham, Thomas Sprat Bishop of Rochester, Thomas Cartwright Bishop of Chester, Herbert and Wright the two Chief-Justices, and that poor Wretch Jenner, who was made Recorder of London when their Charter was taken away. 4. The advising and levying Money by pretence of Prerogative: This excepted from Pardon Sir Humphrey Mackworth, that pious Advocate for Sacheverel; and those Barristers and Students of the Middle Temple, who presented an Address of Thanks to King James, for taking the Customs before the Parliament had given them to him. 5. The advising, raising, and keeping up a Standing Army in the time of Peace: This would have excepted Sir Christopher Musgrave in particular, who said in the House of Commons; It was a deplorable thing that the King had no more Forces, than about 20,000 Men, after the Duke of Monmouth's Business. 6. The advising and acting in the Surrender of Charters: This would have excluded from

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Pardon, not only Burton and Graham, Brent of the Temple, and other corrupt Lawyers and Solicitors, but many Lords-Lieutenants, Deputy-Lieutenants, Mayors, and Aldermen of Cities and Towns, such as those most worshipful Persons the Mayor, Aldermen, Bailiffs, &c. of Newcastle-under-Line, who, in an Address to King James, render'd him their hearty Thanks for regulating their Corporation, for which, both their Town and the Country about it were under a Transport of Joy. Were such Men as these fit to be continued in the Magistracy? And was it likely that any thing better should come from them, than the Choice they have generally made since, when they have had occasion to chuse Representatives? 7. Undue Construction of Laws, and the undue and illegal Prosecutions and Proceedings in capital Cases: This would have excepted out of Pardon almost all the Judges, Attorneys and Solicitors-General, King's Council, &c. and would have clear'd the Courts of Justice of those Vermin, which had been bred in the Corruption of them.*

Royal Assent
given to several
Bills.

The 27th, the King came to the House of Peers, and gave the Royal Assent to the Poll-Bill; to the Bill to prevent vexatious Suits against such as acted in order to the bringing in their Petitions; to the Bill for the better Security and Relief of Irish Protestants; and three private Bills. After which he made the following Speech.

' My Lords and Gentlemen,

' I Am so sensible of the Readiness you have shew'd to supply me with Money for the carrying on the Wars I am engag'd in, that I am glad of this occasion to give you Thanks for your chearful Dispatch, which was absolutely necessary for the common Safety. The best Return I can make to your Kindness, is, to assure you, that as far as it will go, it shall all be employ'd to the Purposes it was given.

' It is a very sensible Affliction to me, to see my good People burthen'd with heavy Taxes; but since the speedy Recovering of Ireland, is, in my opinion, the only means to ease them, and to preserve the Peace and Honour of the Nation, I am resolv'd to go thither in Person, and, with the Blessing of God Almighty, endeavour to reduce that Kingdom, that it may no longer be a Charge to them.

' And as I have already ventur'd my Life for the Preservation of the Religion, Laws, and Liberties of this Nation; so I am now willing again to expose it, to secure you the quiet Enjoyment of them.

' The Spring draws on, and it being requisite I should be early in the Field, I must immediately apply my Thoughts to the giving Orders for the necessary Preparations;

' tions ; which, that I may have the more leisure to do, I Anno 2 W. & M.
' have thought convenient now to put an end to this Session. 1690.

And then the Lord Chief Baron Atkyns prorog'd the Parliament to the 2d of April ; which was soon after dissolved.

March 20. The new Parliament met at Westminster, and the House of Commons having chosen Sir John Trevor for their Speaker, with the usual Forms, the King made the following Speech to both Houses from the Throne. A new Parliament call'd, Sir John Trevor chosen Speaker.

' My Lords and Gentlemen,

' I Am resolv'd to leave nothing unattempted on my part, which may contribute to the Peace and Prosperity of this Nation : And finding my Presence in Ireland will be absolutely necessary, for the more speedy reducing of that Kingdom, I continue my Resolution of going thither as soon as may be ; and I have now called you together for your Assistance, to enable me to prosecute the War with Speed and Vigour : In which I assure myself of your cheerful Concurrence, being a Work so necessary for your own Safeties. The King's Speech.

' In order to this, I desire you will forthwith make a Settlement of the Revenue ; and I cannot doubt, but you will therein have as much regard for the Honour and Dignity of the Monarchy in my hands, as has been lately shewed to others : And I have so great a confidence in you, that if no quicker or more convenient way can be found, for the raising of ready Money, (without which, the Service cannot be performed) I shall be very well content, for the present, to have it made such a Fund of Credit, as may be useful to yourselves, as well as to me, in this Conjunction ; not having the least Apprehensions, but that you will provide for the taking off all such Anticipations as it shall happen to fall under.

' It is sufficiently known, how earnestly I have endeavoured to extinguish (or, at least, compose) all Differences amongst my Subjects, and to that end, how often I have recommended an Act of Indemnity to the last Parliament : But since that part of it, which related to the preventing of private Suits, is already enacted, and because Debates of that nature must take up more of your time, than can now be spared from the Dispatch of those other things, which are absolutely necessary for our common Safety ; I intend to send you an Act of Grace, with Exceptions of some few Persons only, but such as may be sufficient to shew my great Dislike of their Crimes, and at the same time

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1690.

time, my Readiness to extend Protection to all my other Subjects, who will thereby see, that they can recommend themselves to me, by no other Methods than what the Laws prescribe, which shall always be the only Rule of my Government.

A farther Reason, which induceth me to send you this Act at this time, is, because I am desirous to leave no colour of Excuse to any of my Subjects, for the raising of Disturbances in the Government, and especially in the time of my Absence; and I say this, both to inform you, and to let some ill-affected Men see, that I am not unacquainted, how busy they are, in their present Endeavours, to alter it.

Amongst other Encouragements, which I find they give themselves, one of the Ways, by which they hope to compass their Designs, is by creating Differences and Disagreements in your Councils, which, I hope, you will be very careful to prevent; for be assured that our greatest Enemies can have no better Instruments for their purposes, than those who shall any way endeavour to disturb or delay your speedy and unanimous Proceeding upon these necessary Matters.

I must recommend also to your Consideration, an Union with Scotland: I do not mean, it should be now entered upon; but they having proposed this to me some time since, and the Parliament there having nominated Commissioners for that purpose, I should be glad that Commissioners might also be nominated here, to treat with them, and to see if such Terms could be agreed on, as might be for the Benefit of both Nations, so as to be ready to be presented to you in some future Session.

My Lords and Gentlemen, I have thought it most convenient, to leave the Administration of the Government in the hands of the Queen, during my Absence; and if it shall be judged necessary to have an Act of Parliament, for the better Confirmation of it to her, I desire you will let such an one be prepared, to be presented to me.

I have this only to add, that the Season of the Year, and my Journey into Ireland, will admit but of a very short Session; so that I must recommend to you the making such Dispatch, that we may not be engaged in Debates, when our Enemies shall be in the Field. For the Success of the War, and the more thrifty Management of it, will both principally depend upon your speedy Resolutions. And I hope it will not be long before we shall meet again, to perfect what the Time will not now allow to be done.

The House being return'd, and the Speech as usual read, *Resolved, nem. con.* That the humble and hearty Thanks of the House be presented to his Majesty, for his gracious Speech to both Houses.

Anno 2 W. & M.
1690.
Votes thereon.

Resolved, nem. con. That the House will assist and support the Government under their present Majesties King William and Queen Mary, both by their Council, and with their Assistance to the utmost of their power.

Resolved, That the whole House do attend his Majesty with the said Resolutions.

The 25th, Mr. Speaker acquainted the House, that he had with the House waited upon his Majesty, and presented the said Resolutions: to which his Majesty was pleased to reply to this effect, *viz.*

Presented to his Majesty.

' Gentlemen, I thank you for your Address, and for your Resolution to assist and support me: And, as I have ventured my Life for the Nation; so I am resolv'd always to do.

His Majesty's Answer.

' I hope you will take my Speech into your speedy Consideration; and that this may be a happy Session.'

The same day, the House took into Examination a Quarrel which had happened between Sir Thomas Mompesson and Mr. Okeden, both Members; and Sir Thomas appearing to be the Aggressor, he was order'd to ask Mr. Okeden's Pardon in his Place, which he did accordingly.

The 27th, *Resolved, nem. con.* That a Supply be given to their Majesties, to enable his Majesty to prosecute the War against France, and for reducing Ireland with Speed and Vigour.

A Supply voted.

The 28th, *Order'd,* That the Votes of this House, from the Beginning of the Session to the End thereof, be printed, &c.

Votes order'd to be printed.

The same day the whole House resolved itself into a Committee upon the Supply; upon which occasion Sir Charles Sedley spake as follows:

' Mr. Speaker, We have provided for the Army; we have provided for the Navy: And now, at last, a new Reckoning is brought us, we must likewise provide for the Lists. Truly, Mr. Speaker, 'tis a sad Reflection, that some Men should wallow in Wealth and Places, whilst others pay away, in Taxes, the fourth Part of their Revenue, for the Support of the same Government. We are not upon equal Terms, for his Majesty's Service: The Courtiers and Great Officers charge, as it were, in Armour; they feel not the Taxes, by reason of their Places, whilst the Country Gentlemen are shot through and through by them.—The King is pleased to lay his Wants before us, and, I am confident,

Speech of Sir Charles Sedley.

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1690.

fidest, expects our Advice upon it: We ought therefore to tell him what Pensions are too great; what Places may be extinguished, during the time of the War, and public Calamity. His Majesty sees nothing but Coaches and six, and great Tables, and therefore cannot imagine the Want and Misery of the rest of his Subjects: He is a brave and generous Prince, but he is a young King, encompassed and hemmed in by a Company of crafty old Courtiers. To say no more, some have Places of 3000 l. some of 6000 l. and others of 8600 l. *per Ann.* and I am told, the Commissioners of the Treasury have 1600 l. *per Annum* a-piece. Certainly, public Pensions, whatever they have been formerly, are much too great for the present Want and Calamity that reigns every where else: And it is a Scandal, that a Government so sick at heart, as ours is, should look so well in the Face.—We must save the King Money wherever we can, for I am afraid the War is too great for our Purfes, if things be not managed with all imaginable Thrift. When the People of England see all things are saved, that can be saved; that there are no exorbitant Pensions, nor unnecessary Salaries, and all this applied to the Use to which they are given; we shall give, and they shall pay whatever his Majesty can want, to secure the Protestant Religion, and to keep out the King of France, and King James too; whom by the way, I have not heard named this Session; whether out of Fear, Discretion or Respect, I cannot tell: I conclude, Mr. Speaker, let us save the King what we can, and then let us proceed to give what we are able.

After a Debate, the House came to the following Resolutions, *viz.*

Votes on the
Revenue and
Supply.

‘That the hereditary Revenues, which the late King James was entitled to, December 10, 1688, became, and are vested in their present Majesties, King William and Queen Mary, in Right of the Crown of England, except the late Revenue arising by Fire-Hearths and Stoves.

‘That a Bill be brought in to declare that the said Revenues are so vested, and that therein Provision be made that they shall not be alienated from the Crown, nor chargeable with any Gift or Grant to be made for the future.

‘That a Bill be brought in for the settling on their present Majesties, that Moiety of the Excise which was granted to the late Kings, Charles, and James, or either of them, for their Lives, and the Life of the longest Liver of them, with a Clause to make the said Revenue a Security for raising Money towards a Supply, not exceeding the Sum of—

‘That a Bill be brought in to grant to their Majesties for the Term of four Years, from Christmas next, the Customs which

which were granted to the late Kings, Charles and James, *Anglo-W. 4th.*
for their Lives; with a Clause to make the said Revenue a *1690.*
Security for raising Money towards a Supply not exceeding
the Sum of—

April 18, *Resolved*, That a Sum not exceeding 1200000 l. *A Supply of*
be the Supply to be granted to their Majesties for the Public *1,200,000 l.*
Occasions, between this and Michaelmas, in prosecuting the *voted.*
War against France, and reducing of Ireland with Speed
and Vigour.

The 2d, *Resolved*, That it be an Instruction to the Com-
mittee of the whole House, That the Supply to be given to
his Majesty be not levyed upon Land, without Leave of the
House.

That towards the Supply, his Majesty be enabled by a
Clause in the Bill or Bills for settling the Revenue, to raise a
Credit of *Ten Hundred Thousand Pounds*: [so express'd by A-
mendment instead of one Million.]

The 3d, *Resolved*, That a Bill be brought in for a Poll,
for the raising of the Sum of 200,000 l. being the Residue of
the Sum to be given to their Majesties.

The 4th, *Resolved*, That a Bill be brought in to attain
all Persons guilty of Rebellion in Ireland, or elsewhere, a-
gainst their Majesties King William and Queen Mary, and
to enact and declare their Estates to be forfeited, and to be
fold for the reducing of Ireland.

The 8th, *Resolved*, That a Bill be brought in to reverse *Bill order'd to*
the Judgment in a *Quo Warranto* against the City of London, *reverse the*
as arbitrary and illegal, and thereby to restore the City of *Judgment on a*
London to its antient Privileges. *Quo Warranto*
against the City
of London.

The 9th, an engross'd Bill from the Lords entitled, *An*
Act for recognizing King William and Queen Mary, and for avoid-
ing all Questions touching the Acts made in the Parliament as-
sembled at Westminster February 13, 1688. was read and pass'd;
a Motion having been first made, that the Bill should be
committed, which pass'd in the Negative. *Bill to recognise*
King William
and Queen
Mary, &c.
pass'd.

The 10th, a Motion being made for the Naturalizing all
foreign Protestants, it pass'd in the Negative. Yeas 17.
Noes 82.

The 11th, two Clauses were added to the Poll-Bill, *viz.* *Clauses added to*
That all Papists refusing the Oaths to the Government, should *the Poll-Bill*
be double tax'd. And that all Quakers who subscrib'd a De- *with respect to*
claration of Fidelity to the Government, should not. *Papists and Qua-*
kers.

The 14th, the Poll-Bill was pass'd, and sent up to the *Poll-Bill pass'd.*
Lords for their Concurrence.

The same day the King gave the Royal Assent to the *Act*
for recognizing King William and Queen Mary, &c. and a private *The Royal As-*
Bill. *sent given to the*
Act of Recog-
nition, &c.

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The 15th, the House being informed that the Sheriffs of London attended at the Door with a Petition, a Motion was made that they be called in; but pass'd in the Negative. Yeas 166. Noes 215.

The 24th, a Bill to appoint and enable Commissioners to take an Account of all Public Monies, since November 5, 1688. was read a second time, and committed.

Resolved, That the said Commissioners be nominated by the House. And the Question being put, that no Member of this House, be a Commissioner in the said Bill; it pass'd in the Negative.

Thanks presented to the King, for his Care of the Church.

Resolved, That the humble Thanks of the House, be presented to his Majesty, for the great Care he has express'd of the Church of England; in the Alterations he has made in the Lieutenancy of the City of London.

The House divided on the Words *Alterations in the Lieutenancy*; but they were carried in the Affirmative. Yeas 185. Noes 136.

When this Vote was presented to the King by the whole House, his Majesty was pleas'd to answer as follows.

The King's Answer.

'It shall always be my Endeavour to employ such Persons as shall be most serviceable to Church and State'

The 26th, a Bill for an Oath of Abjuration of the late King James, to be taken by all Persons in any Employment, or Trust Ecclesiastical, Civil or Military; was read the third time. And a Motion being made to commit it, it pass'd in the Negative. Yeas 178. Noes 192.

The Abjuration-Bill rejected.

A Motion was then made, that the said Bill be rejected; and it pass'd in the Affirmative. Yeas 192. Noes 165.

Tonnage and Poundage-Bill pass'd.

The 28th, the engross'd Bill for settling the Customs on their Majesties was read the third Time.

Resolved, That the Bill do pass, and that the Title thereof be *An Act for granting to their Majesties a Subsidy of Tonnage and Poundage, and other Sums of Money payable upon Merchandize*

And a Bill to regulate Elections.

The same day, an engrossed Bill to regulate Elections of Members to serve in Parliament, was read the third time and pass'd.

The 29th, the House took into consideration, the Heads of a Bill to secure the Government under King William and Queen Mary, against the late King James and all his Adherents.

Votes for the Security of the Government under King William and Queen Mary.

Resolved, That by Orders from their Majesties, the Lord Lieutenants and Deputy Lieutenants be empower'd to draw up together the Militia, with a Month's Pay, (notwithstanding the Month's Pay already advanced be not reimburs'd,) and for a longer Time than the Law already allows.

That

That all Papists or reputed Papists, be obliged forthwith to repair to, and continue at their respective Dwellings, and not depart from thence above the Distance of Miles without Licence; and that if they be found at a greater Distance, they be taken to be Papists convict, to all Intents and Purposes whatsoever.

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That a Test or Declaration of Fidelity to the Government under their present Majesties, King William and Queen Mary, against the late King James and all his Adherents, and all other Enemies to the present Government, as it is now establish'd in Church and State, be enjoin'd to be made, repeated, and subscribed by all Persons above 16 Years of Age.

May 2. His Majesty gave the Royal Assent to *The Tonnage and Poundage Act*, and two private Acts.

Royal Assent given to the Tonnage and Poundage-Bill.

The same day, Mr. Rowe, a Member, was accus'd by Sir Edward Seymour, of dispersing a Paper, highly reflecting upon their Majesties Government, and upon several Members of the last Parliament, being entitled a Letter to a Friend upon the Dissolution of the Parliament, and the calling of a new one; together with a List of those that were against making the Prince and Princess of Orange King and Queen; a Debate arising, a Motion was made to adjourn the said Debate; but pass'd in the Negative. Yeas 156. Noes 180.

Mr. Rowe, a Member, accus'd of dispersing a Libel.

Resolved, That the said Paper, &c. is a false and scandalous Libel, reflecting upon their Majesties and their Government, and the Rights and Privileges of Parliament.

The 8th, the Question being put, that the Bill for reversing the Judgment in a *Quo Warranto*, against the City of London, and for restoring the City of London to its ancient Rights and Privileges, do pass, the House divided, and it was carried in the Affirmative. Yeas 166. Noes 76.

The Bill to reverse the Judgment on a *Quo Warranto*, against the City of London, pass'd.

The 9th, the House having resolved itself into a Committee to consider of the Bill for vesting the 500l. Forfeitures in their Majesties; and Mr. Speaker having resum'd the Chair, a Motion was made to adjourn the House, but pass'd in the Negative, Yeas 76, Noes 80.

Proceedings on the Bill of 500 Forfeitures.

After which Mr. Grey the Chairman of the said Committee having not been directed to make any Report, the House again resolv'd into a Committee, and the Report was referred till the next day.

The 10th, the Question being put for making the said Report, it pass'd in the Affirmative, Yeas 176, Noes 93.

Mr. Grey then made the Report accordingly, and a Clause was admitted, to be Part of the Bill, *for the Money to be paid into the Exchequer, and that a distinct Account to be kept thereof.*

Anno 1699.
 1699.

The Question was then put, That the Bill with the Amendments be engross'd, which pass'd in the Affirmative, Yeas 152, Noes 106.

The 14th, a Motion being made for reading the said Bill, it pass'd in the Negative. Yeas 92. Noes 111.

The 15th, Evidence having been given to the House of several Persons confederating, and designing to rise in Rebellion, and to disturb the Peace of the Kingdom:

Resolv'd, That a Bill be brought in for the more effectual securing their Majesties Government, against all such Persons so conspiring.

A Motion was then made to adjourn, but pass'd in the Negative.

Resolv'd, That the Bill for vesting the 500 l. Penalties, &c. be read the third time.

An engross'd Proviso was then offer'd to be added, as a Rider, That the Bill shall not charge any Person, who accepted any Office or Commission, and executed the same without qualifying himself, if the said Person do qualify himself as requir'd, before the first day of August next:

It pass'd in the Negative.

And the Question being put, that the said Proviso be read a second time, it pass'd in the Negative.

Another engross'd Clause, was likewise offer'd, that no Person shall incur the Penalty, who shall at the next Quarter-Sessions, take the Oaths on the Statute for *Abrogating the Oaths of Supremacy and Allegiance, and appointing other Oaths*: and make the Declaration in the Statute 25 Car. II. And the Question being put, That the said Clause be read, it pass'd in the Negative.

Another engross'd Clause was offer'd as a Rider, ' That, whereas a Judgment was given in Easter or Trinity Term 1686, in a Suit between Goodwin and Hales, contrary to Law, and 'tis enacted, That every Judge of the Court who consented thereto, and also every Judge and Baron, who delivered any Opinion for the giving the said Judgment, or for dispensing with the Statute shall forfeit.

' And, That every Person, who pass'd any Patent, dispensing with the same, shall be for ever disabled from holding any Employment or Trust; and That every Judge or Baron, that were so in the said Easter or Trinity Term, who shall not appear before the Commissioners for that Purpose appointed, and prove that he did deliver his Opinion against the said Judgment; such Judge or Baron shall be adjudg'd to be convicted, and to incur the said Forfeitures, and Disabilities.'

Resolv'd, That the Blank be fill'd up with 500 l. And an Amendment was then propos'd to be made in the said Clause,
 by

by leaving out the Part relating to the Disabilities which upon the Question, was agreed to by the House. Anno 2 W. & M.
1690.

The Question being then put, That the Clause be read a third Time, it pass'd in the Negative.

Another engross'd Clause was offer'd as a Rider, That this Act shall not extend to charge any Person, who after Octob. 8. and before Feb. 13, 1688, accepted any Office, or Commission, and executed the same without qualifying himself: If such Person do qualify himself before Aug. 1, next; which Proviso was twice read, and the Question being put, That it be read the third Time, it pass'd in the Negative, Yeas 160, Noes 150.

Resolv'd, That the Proviso be made Part of the Bill. The Question being then put, That the Bill do pass, it was *Resolved* in the Affirmative, Yeas 137, Noes 91. The Bill pass'd,

The 16th, Mr. Dockra, The Protector of the Penny-Post, having again laid his Case (Vid. pag. 344.) before the House;

Resolved, That it be humbly represented, and recommended to his Majesty to relieve him therein, as to his great Wildom and Justice shall seem meet. Mr. Dockra's Case recommended by the House, to the King.

The 27th, An engross'd Bill, for declaring the hereditary Revenues of the Crown to be vested in their Majesties, being read a third Time, an engross'd Clause was offer'd as a Rider, to be made Part of the Bill, reciting, That the said hereditary Revenues have been much encumbered by Letters-Patent in the two last Reigns, and enacting that all Pensions or Sums of Money, which shall be hereafter granted by Letters-Patent, out of any Part of the Hereditary-Excise, Post-Office, or Wine-Licences, shall cease at, or upon the Death of the King or Queen, who shall make any such Grant: A Clause added to the Bill, for declaring the hereditary Revenues, vested in their Majesties.

Resolv'd, That the said Clause be made Part of the Bill.

After, two other Provisos being added, one in Confirmation of a Grant to the Earl of Torrington; and the other to stipulate, that no Right is by this Bill given their Majesties to certain Lands, &c. belonging to Theodore Bathurst Esq; which were seiz'd by the late King James; the Bill was pass'd, and order'd up to the Lords. The Bill pass'd.

The 19th, the House proceeding with the Consideration of the Bill for appointing Commissioners to take an Account of all public Monies since November 5, 1618. Proceedings on the Bill to appointing Commissioners, for stating the public Accounts.

Resolv'd, That the Number of the said Commissioners to be appointed, be nine and no more.

That no Person be a Commissioner who hath any Office of Profit, or is accountable to their Majesties.

That every Member of this House do prepare a List in Paper of nine Persons whom he shall think fit to be Commissioners, and put the same, roll'd up, into a Glass at the Table to-morrow Morning.

And

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Royal Assent
given to several
Acts.

And the Question being put, that every Member do subscribe his List, it pass'd in the Negative.

The 20th, the King gave the Royal Assent to *An Act for the Exercise of the Government by her Majesty, during his Majesty's Absence. An Act for reversing the Judgment on a Quo Warranto against the City of London. An Act to declare the Rights and Freedoms of Elections for the Cinque Ports. An Act for the discouraging the Importation of thrown Silk. An Act for confirming the Trade and Privileges of the Hudson's-Bay Company. An Act for the encouraging and better establishing the Manufacture of White Paper in this Kingdom:* And two private Bills.

The House then being about to proceed on the Bill for securing their Majesties Government against all such as conspire to rise in Rebellion and disturb the Peace of the Kingdom, a Motion was made to adjourn, but pass'd in the Negative.

The same day the Commissioners for taking Account of the public Monies, were nominated according to their Numbers, as follows:

Col. Rob. Austen, 183	Sir Rob. Rich, 125
Sir John Guise, 173	Sir John Matthews, 114
Sir Ben. Newland, 135	Sir Jos. Williamson, 108
Sir Tho. Clarges, 133	Sir Sam. Barnardiston, 100

Mr. Kent, 94.

But this last Gentleman acquainting the House, that he was one of the Accomptants to their Majesties, and desiring to be excus'd, Mr. Coulson of London, Merchant, was inserted in his room.

The same day Mr. Justice Eyres and Mr. Baron Turton brought the following Message from the Lords:

A Bill for a
free Pardon sent
from the Lords.

' Mr. Speaker, His Majesty has been pleas'd to send this Bill, entitled, *An Act for the King and Queen's most gracious, general and free Pardon*; which the Lords have accepted and pass'd *unanimè contradicente*, and now send it down to this House.

And then the Messengers withdrew.

And pass'd.

Resolv'd, That the Bill do pass.

Resolv'd, That a Committee be appointed to search Precedents, and prepare Reasons to be offer'd at a Conference with the Lords on their late Message.

A Clause offer'd
to the Bill for
appointing
Commissioners.

The 23d, the engrossed Bill for appointing Commissioners to take the Accounts of all public Monies, &c. being read a third time, an engrossed Clause was offer'd as a Rider, for an Account to be made of the Monies issued in the time of the late King James, for Repair of the Fleet; which was twice read, and a Debate arising thereon; *Resolved*, That the Debate be adjourn'd till after the Conference with the Lords.

The

The Reasons to be offer'd at the said Conference were then reported as follow, *viz.* Anno 2 W. & M. 1690.

‘ That the Commons having receiv'd a Message from their Lordships, in these Words, That his Majesty, &c. have desir'd this Conference to acquaint your Lordships that they conceive this Message is not according to the usual way of transmitting Bills between the two Houses: For that neither House do acquaint the other by what NUMBER any Bill before them do pass; and the introducing any Alteration in the usual Method of Proceeding may be of dangerous Consequence.’

Reasons to be offered at a Conference with the Lords, on their Message.

But a stop was put to this Affair, and all others, by the King's coming to the House of Peers the same day, where he gave the Royal Assent to the Bill *For a * free and general Pardon*; and made the following Speech.

‘ My Lords and Gentlemen,
I Have had such Assurance of your good Affections to me, that I come now to thank you particularly for the Supply you have given me. The Season of the Year is so far advanced, that I can no longer delay my going into Ireland; and therefore I think it necessary to have an Adjournment of the Parliament.
 ‘ Altho' it shall be but a short day, yet, unless some great Occasion require it (of which you shall have due notice) I do not intend you shall sit to do Business until the Winter; and, I hope, by the Blessing of God, we shall then have a happy Meeting.
 ‘ In the mean time, I recommend to you the Discharge of your Duties in your respective Counties, that the Peace of the Nation may be secur'd by your Vigilance and Care in your respective Stations.’

The King's Speech to both Houses.

And

* Persons excepted in this Bill, are as follow:

<i>William, Marquis of Powis.</i>	<i>Sir Edward Lutwyche.</i>
<i>Theophilus, Earl of Huntington.</i>	<i>Sir Thomas Jenner.</i>
<i>Nathaniel, Bishop of Durham.</i>	<i>Sir Richard Holloway.</i>
<i>Thomas, Bishop of St. Davids.</i>	<i>Sir Richard Heath.</i>
<i>Robert, Earl of Sunderland.</i>	<i>Col. Townley.</i>
<i>Lord Thomas Howard.</i>	<i>Sir Nicholas Butler.</i>
<i>Henry, Lord Dover.</i>	<i>Edward Morgan Esq;</i>
<i>John, Earl of Melfort.</i>	<i>Robert Brent Esq;</i>
<i>Roger, Earl of Castlemaiden.</i>	<i>Mr. Richard Graham.</i>
<i>Sir Edward Hales.</i>	<i>Mr. Philip Burton.</i>
<i>Thomas Tildesley Esq;</i>	<i>Dr. Obadiah Walker.</i>
<i>Rowland Tempest Esq;</i>	<i>Edward Petre, Jesuit.</i>
<i>Colonel Robert Landy.</i>	<i>Matthew Crane.</i>
<i>Mr. William Molinux.</i>	
<i>Sir Edward Herbert.</i>	
<i>Sir Francis Withins.</i>	

And the infamous
*Sir Roger L'Estrange, and
 George Lord Jafferien.*

Aug 17. & M.
1690.

The Parliament
adjourn'd.

Second Session.

And then the Lord Chief-Baron Atkins signify'd his Majesty's Pleasure, that both Houses should adjourn till July 7. After which the Parliament was twice prorogu'd, twice adjourn'd, and then prorogu'd again.

October 2. Both Houses met, when the King made the following Speech.

My Lords and Gentlemen,
 King's Speech. ' Since I met you last, I have used my best Endeavours to reduce Ireland into such a condition this Year, as that it might be no longer a Charge to England: And it has pleas'd God to bless my Endeavours with such Success, that I doubt not, but I should have been fully possesst of that Kingdom by this time, had I been enabled to have gone in the Field as soon as I should have done, and as is more especially necessary in Ireland, where the Rains are so great, and begin so early.
 ' I think myself oblig'd to take notice, how well the Army there have behaved themselves on all Occasions, and borne great Hardships with little Pay, and with so much Patience and Willingness, as could not proceed but from an affectionate Duty to my Service, and a Zeal for the Protestant Religion.
 ' I have already made it evident, how much I have prefer'd the Satisfaction of my Subjects before the most solid Advantages of the Crown, by parting with so considerable a Branch of its Inheritance: And it is no less apparent, that I have ask'd no Revenue for myself, but what I have readily subjected to be charg'd to the Uses of the War.
 ' I did at my Departure give order for all the public Accompts to be made ready for me against my Return, and I have commanded them to be laid before the House of Commons; by which they will see, that the real Want of what was necessary beyond the Funds given, and the not getting in due time that for which Funds were assign'd, have been the principal Causes why the Army is so much in Arrear of their Pay, and the Stores both for the Navy and the Ordnance not supplied as they ought to be.
 ' Now, as I have neither spared my Person, nor my Pains to do you all the good I could; so I doubt not, but if you will as cheerfully do your Parts, it is in your power to make both me and yourselves happy, and the Nation great: And on the other hand, it is too plain, by what the French have let you see so lately, that if the present War be not prosecuted with Vigour, no Nation in the World is expos'd to greater Danger.
 ' I hope therefore, there will need no more upon that Subject, than to lay before you, Gentlemen of the House of Commons

‘ Commons, the State of what will be necessary for the Support of the Fleet and Armies, which cannot possibly admit of being lessen’d in the Year ensuing; and to recommend to your Care the Clearing of my Revenue, so as to enable me to subsist and to maintain the Charge of the Civil List; the Revenue being so engaged, that it must be wholly apply’d, after the first of November next, to pay off the Debts already charged upon it: And therefore a present Consideration must be had of the Arrears of the Army, which shall likewise be laid before you, and for all which I must desire a sufficient and timely Supply.

‘ It is farther necessary to inform you, that the whole Support of the Confederacy abroad, will absolutely depend upon the Speed and Vigour of your Proceedings in this Session.

‘ And here I must take notice, with great Satisfaction, of the Readiness which my Subjects of all Degrees have shewn both in this City, and in their several Countries, by giving their Assistance so chearfully as they did in my Absence, while the French Fleet was upon our Coasts. And besides this so convincing Mark of the good Inclinations of my People, I have found through all the Countries where I passed, both at my going into Ireland, and in my Return from thence, such Demonstrations of their Affection, that I have not the least doubt, but I shall find the same from their Representatives in Parliament.

‘ I cannot conclude without taking notice also, how much the Honour of the Nation has been expos’d by the ill Conduct of my Fleet, in the last Summer’s Engagement against the French; and I think myself so much concern’d to see it vindicated, that I cannot rest satisfy’d till an Example has been made of such as shall be found faulty upon their Examination and Trial, which was not practicable while the whole Fleet was abroad, but is now put into the proper way of being done as soon as may be.

‘ My Lords and Gentlemen,

‘ I look upon the future Well-being of this Kingdom, to depend upon the Result of your Councils and Determinations at this time: And the Benefit will be double by the Speed of your Resolutions, insomuch, that I hope you will agree with me in this Conclusion, *That whoever goes about to obstruct or divert your Applications to these Matters, preferably to all others, can neither be my Friends nor the Kingdom’s.*

The Lords first, and then the Commons, presented their Addresses of Thanks, full of Expressions of Duty Thanks, &c.

Anno 2 W. & M.
1691.

missioners for public Accounts, being pass'd, the Commons chose nine of their own Members for that Commission, who were Sir Robert Rich, Sir Thomas Clarges, Paul Foley Esq; Robert Austin Esq; Sir Matthew Andrews, Sir Benjamin Newland, Sir Samuel Barnardiston, Sir Peter Colliton, and Robert Harley Esq;.

The King being impatient to be at the Congress in Holland, came to the House of Lords, January the 5th, and having pass'd all the Bills, public and private, that were ready, made the following Speech to both Houses:

The King's
Speech to both
Houses.

My Lords and Gentlemen,

HAVING lately told you, That it would be necessary for me to go to Holland, much about this Time, I am very glad to find, that the Success of your Endeavours to bring this Session to a happy Conclusion has been such, that I am now at Liberty to do it. And I return you hearty Thanks for the great Dispatch you have made in finishing the Supplies you have designed, for carrying on the War; which it shall be my Care to see duly and punctually applied to that Service for which you have given them. And I do likewise think it proper to assure you, That I shall not make any Grant of the forfeited Lands in England or Ireland, till there be another Opportunity of settling that Matter in Parliament in such manner as shall be thought most expedient.

My Lords and Gentlemen,

As I have reason to be very well satisfied with the Proofs you have given of your good Affection in this Session of Parliament, so I promise myself the Continuance of the same at your Return into your several Countries: And as every Day produces still fresh Instances of the Restlessness of our Enemies, both at home and abroad, in designing against the Prosperity of this Nation and the Government established, so I do not doubt, but the Union and good Correspondence between me and my Parliament, and my earnest and constant Endeavours for your Preservation on the one hand, joined with the Continuance of your Zeal and Affection to support me on the Throne, will, by the Blessing of God, be at all times too strong for the utmost Malice and Contrivance of our Common Enemies.

Then the Lord Chief Baron Atkyns, by the King's Command, declar'd to both Houses, ' It was his Majesty's Pleasure, that they should adjourn themselves till the 31st of March; and they should have timely Notice, if there was to be a Session then.' We must not part with this Session, without

but remembering that several Acts were left unfinish'd, as, *An Act to regulate Trials in Cases of High-Treason: An Act relating to the African Trade: And, An Act to charge the Estate of the late Lord Jeffreys in Leicestershire, with the Sum of 14,760 l. and Interest, to Edmund Prideaux Esq; of Ford-Abbey, on the Edge of Devonshire and Somerseshire.* Anno 3 W & M. 1691.

On Thursday, October the 22d, the Parliament met at Westminster; and his Majesty made this Speech to both Houses: Third Session of K. William's Second Parliament.

‘ My Lords and Gentlemen,

‘ **I** Appointed this Meeting of the Parliament as soon as The King's Speech to both Houses.
 ‘ ever the Affairs abroad would admit of my return into
 ‘ England, that you might have the more Time to consider
 ‘ of the best and most effectual Ways and Means for the
 ‘ carrying on of the War against France this next Year.

‘ I am willing to hope, that the good Success with which
 ‘ it hath pleas'd God to bless my Arms in Ireland this Summer, will not only be a great Encouragement to you to
 ‘ proceed the more chearfully in this Work, but will be
 ‘ look'd upon by you as an Earnest of future Successes, which
 ‘ your timely Assistance to me may, by God's Blessing, procure to us all. And as I do not doubt, but you will take
 ‘ care to pay the Arrears of that Army, which hath been
 ‘ so deserving and so prosperous in the Reducement of Ireland to a peaceable Condition; so I do assure you, there
 ‘ shall no care be wanting on my part, to keep that Kingdom, as far as it is possible, from being burdensome to
 ‘ England for the future.

‘ My Lords and Gentlemen,

‘ I do not doubt but you are all sensible, that it will be
 ‘ necessary we should have a strong Fleet next Year; and
 ‘ as early at Sea as we had this Summer. And I must tell
 ‘ you, that the great Power of France will as necessarily require, that we should maintain a very considerable Army
 ‘ ready upon all Occasions, not only to defend ourselves
 ‘ from any Insult, but also to annoy the Common Enemy,
 ‘ where it may be most sensible to them. And I do not see
 ‘ how it is possible to do this with less than sixty-five
 ‘ thousand Men.

‘ I shall only add, that by the Vigour and Dispatch of
 ‘ your Councils, and Assistance to me in this Session of
 ‘ Parliament, you have now an Opportunity in your Hands,
 ‘ which, if neglected, you can never reasonably hope to
 ‘ see again; not only to establish the future Quiet and
 ‘ Prosperity of these Kingdoms, but the Peace and Security
 ‘ of all Europe.’

Both

Annals W. & M.
1691.

Their Address
of Congratulation.

Both Houses congratulated his Majesty upon his safe and happy Return after so many Hazards to which he had exposed his Person, and upon the Success of his Arms in the Reduction of Ireland; and at the same time they assur'd him, they would assist him to the utmost of their Power, in carrying on a vigorous War against France, in order to procure an honourable and lasting Peace to his own Dominions, and to secure his Neighbours from the Injuries and Invasions of the Common Oppressor.

They also address'd the Queen, and acknowledg'd her prudent Administration of the Government, during his Majesty's Absence.

The same day the Parliament met, a Proclamation was publish'd for a general Thanksgiving.

On the 28th of October, a Bill was brought into the House of Commons, for *Abrogating the former Oaths of Allegiance and Supremacy in Ireland; and appointing the Oaths to King William and Queen Mary: Which after two or three Conferences between the Lords and Commons about the Lords Amendments, which they dropt, pass both Houses and had the Royal Assent.*

The Thanks of
the Commons
given to General
Ginkle.

His Reply.

The House of Commons order'd the Lord Castleton, Sir Henry Goodrick, and five more of their Members to attend General Ginkle, with their Thanks to him and his Officers, for the great Services they had done towards the Reduction of Ireland. To which the Baron reply'd, 'I acknowledge this distinguishing Honour done me by the House of Commons, and value it above a Triumph. The Success of their Majesties Arms in Ireland, was owing chiefly to the Valour of the English; and I will take care to communicate the Vote of the House to the Officers that serv'd in Ireland, and always endeavour the Prosperity of their Majesties and their Government.'

A Supply of
3411677 l.
granted.

Conditions of
the East-India
Company's
Charter.

By the end of the Year, the Commons finish'd the Supplies for the next Year's Service, for the Fleet and Army, amounting in all to Three Millions, Four Hundred and Eleven Thousand, Six Hundred, Seventy-Seven Pounds. But the Affair of the East-India Company took up a great deal of time; and the Conditions on which the Charter of the Company should be confirm'd were finally settle'd; among which were these.

That their Fund should be not less than 1500000 l. and not more than 2000000 l.

That they should every Year export in Goods of the Growth and Manufacture of England, to the value of 2000000 l.

That

That all their Goods imported should be sold at Public Sales, except Salt-Petre for the Use of the Crown. Anno 3 W. & M.
1691.

That they should yearly sell to the King 500 Tuns of Salt-Petre refin'd, at 30l. a Tun.

That no Lot at any Sale shall exceed 500l.

That no Person shall be Governour, or Deputy-Governour, who has less share in the Stock than 2000l. or Committee-Man, that has less than 1000l.

That no Dividends be made without leaving sufficient Stock to pay all Debts and carry on the Trade.

That all By-Laws shall be approv'd by the General-Court.

The House of Commons also resolv'd, That the Committee of the East-India Company, be oblig'd to give Security, such as the House shou'd approve.

That the Stock and Estates they now have, shall be made good 749000l. all Debts paid.

Accordingly Sir Thomas Cook, Sir Thomas Rawlinson, Sir William Langhorn, and other Committee-Men, deliver'd in Proposals concerning Security to be given; which being disapprov'd, the Committee was order'd to produce the Persons they propos'd to be Security; and an Account of the Sums for which each Person should be Security; which they did to the Satisfaction of the House: upon which they order'd a Bill to be brought in, to establish the East-India Company according to the Regulations and Resolutions they had agreed on; but it came to nothing. On the contrary, several Petitions being presented against that Bill, to which the East-India Company did not give satisfactory Answers; the Commons address'd the King to dissolve it, and grant a Charter to a new Company. His Majesty's Answer was, 'It is a Motion of very great Importance to the Trade of this Kingdom, I will consider of it, and in a short time give the Commons a positive Answer.' However he was pleas'd to confer the Honour of Knighthood on Sir John Goldsborough, who was going to India in quality of the Company's Commissary-General.

On the 12th of November the Commons were acquainted, that Mr. Bridges a Member of their House, cou'd give an Account of an Information given him by a Captain in their Majesties Fleet; That Sir Ralph Delaval, one of the Admirals, had lately taken a French Boat going for Ireland, with Papers of dangerous Consequence to the Government. The House order'd Mr. Bridges to name the Person, and he named the Lord Danby, Son to the Marquis of Carmarthen. A Conference was then desir'd with the Lords upon Matters relating to the Safety of the Kingdom, but the Business did not turn out as was expected. There was no Copy of a Letter from the Earl of Nottingham to Sir. Ralph Delaval, in the

Enquiries into
the Conduct of
the Fleet.

Anno 3 W. & M.
1691.



the intercepted Packet, only a Letter from the Earl to Sir Ralph, desiring him to send up that Packet; so that Storm blew over. The Commons regulated the Payment of the Forces by effective Musters; and enquired into the Miscarriages of the Fleet, the Admiralty Papers being laid before them, by two of the Commissioners, Admiral Russel and the Lord Falkland; but these Regulations and Enquiries rais'd more than answer'd the Expectations of the People, and were afterwards thought to be intended rather to delay Matters than amend them.

Dr. Welwood
reprimanded
by the House.

About the same time Dr. Welwood a Physician, noted afterwards for his Memoirs, publish'd a Weekly Paper, entitled, *Mercurius Reformatus*; but his Zeal having carry'd him farther than was agreeable to the House, on whose Proceedings he seem'd to reflect; he was order'd into Custody of the Serjeant at Arms, and reprimanded by the Speaker when he was discharg'd.

Bill to regulate
Elections re-
jected.

A Bill was brought into the House of Commons, for regulating Abuses in Elections and Returns to Parliament, which was rejected at the third Reading. Several Money-Bills being ready for the Royal Assent, and his Majesty having given it, was pleas'd to speak as follows, the 24th of December.

King's Speech
to both Houses.

' My Lords and Gentlemen,
' I MUST not lose this Occasion of returning you my
' hearty Thanks, for the great Proofs you continue to
' give me of your Zeal, and Resolutions to support and assist
' me, in the vigorous Prosecution of the War against France
' next Year; and I assure you it shall be my greatest Care,
' that the Assistance you give me may be so apply'd, as to
' render them more effectual for the Aids you design'd them:
' But I must take notice to you at the same time, with some
' Trouble, that the New Year is already come; while our
' Preparations for it are not only more backward, but those
' of our Enemies, as we have reason to think, in greater for-
' wardness than they were the last Year. I find myself there-
' fore necessitated from this Consideration, most earnestly to
' recommend to you, Gentlemen of the House of Commons,
' the hastening such farther Supplies, as you design for the
' Prosecution of the War.

' My Lords and Gentlemen,
' The Season being so far advanc'd, this present Sessions
' cannot admit of a much longer Continuance, and therefore
' I must recommend to you the Dispatch of all such other
' Bills, that you shall judge necessary for the Public Good.'

On

On New-Year's-Day his Majesty was pleas'd to issue off his Proclamation against vicious, debauch'd and profane Persons. It being necessary for Governors, to put the People sometimes in mind of their Duty, tho' the Govern'd seldom take so much Notice of it as to read, or hear such Proclamations.

Ann. 2^d. 1692.

1691-2.

Both Houses were now engag'd in a warm Dispute, rais'd by the Bill for regulating Trials in Cases of High Treason. This Bill having been laid aside by the Lords in the preceding Session, was now again brought in and pass'd by the Commons; and on November 18. sent up to the Lords for their Concurrence. The Lords, besides other Amendments, added this Clause to it: 'That upon the Trial of any Peer or Peers, for any Treason or Misprision of Treason, all the Peers who have a right to sit and vote in Parliament, should be duly summon'd, twenty days at least before every such Trial, to appear at every such Trial: And that every Peer so summon'd, and appearing on such Trials, should vote in the Trial of such Peer or Peers so to be tried; he and they first taking the Oaths mentioned in an Act of Parliament, made in the first Year of King William and Queen Mary, entitl'd, *An Act for abrogating the Oaths of Supremacy and Allegiance, and appointing other Oaths; and subscribing and audibly repeating, the Declaration mentioned in an Act of Parliament, made in the thirteenth Year of King Charles the Second, entitl'd, An Act for the more effectual preserving the King's Person and Government, by disabling Papists from sitting in either House of Parliament.*

Bill for regulating Trials in Cases of High Treason.

This Clause being disagreed to by the Commons, and at two several Conferences insist'd on by the Lords, a free Conference was managed between both Houses on January 5. wherein Mr. Charles Montagu, the Chief of those who spoke for the Commons, argued, that this Bill was begun by the Commons, for the equal Advantage of such Lords and Commons, who had the Misfortune to be accus'd of Treason or Misprision of Treason. That when it was first return'd from their Lordships, with very many Amendments, the Commons were so willing to comply with the desire of their Lordships, and to give the Bill a speedy Passage, that they agreed to all those Amendments, except two; tho' some of them were of a very nice Nature, and related to things of which the Commons have ever been most tender. That at the first Conference, the Commons gave their Lordships the Reasons that induc'd them to make such Amendments; which did so far satisfy their Lordships, that they did agree to the first Amendment propos'd by the lower House: though they did insist upon this other, for which they deliver'd their

Conference on the Matter.

Charles Montagu.

Commons Arguments.

Annals W. & M.
1691.

Reasons at the second Conference. That those Reasons had been solemnly and deliberately considered by the Commons, and that they had not found them sufficient to convince them; so that they did still disagree with the Lords in the fore-mentioned Clause. That it was very unfortunate, that no Bill for the Relief of the Subject, in these Cases, had been tendered for many Years last past; but either this Clause, or something of the like Nature had unhappily clogged it, and been the Occasion of losing it; and as this was never thought reasonable to be admitted formerly, so neither could the Commons consent to so great an alteration of our Constitution as this would introduce; that such an Alteration was far beyond the Intent and Design, which the Commons had in preparing this Bill; that they were desirous that all Men should have a fair and equal way of making their Defence; they wished, that the Guiltless should by all necessary Provisions be protected, and allowed all just means of making their Innocence manifest; but they did not design to subvert the Essence and Constitutions of the Courts, nor intend to disable the Crown in one of its most necessary Prerogatives, or to place a Judicature in other Hands, than those to whom the Laws of England, and the Custom of the Realm had committed it. That the Clause now in Dispute struck at no less than this, and in consequence at the Alteration of the Government of England. That the Government of England is monarchical, and the Monarch has the Power of constituting Courts and Offices for Administration of Justice, though they are to proceed according to the known Rules and Limitations of Law. That the Judges are constituted by his Commission, the Sheriffs are of his Nomination and Appointment, and these are to return the Pannel of Jurors, who are to pass Sentence on the Lives of the Commoners; and that in like manner 'tis the Prerogative of the Crown, to constitute a Lord High Steward, who by his Serjeant at Arms does summon a competent Number of Peers to be Triers of their Lordships. But that this Clause took away these Powers from the High Steward, and therefore it took away so much from the regal Authority; and it would amount to no less, than to render the Subjects independent on the Crown, in the Pleas of the Crown; wherein, above all other things, the Life, Peace and Safety of the Government is concerned. That the Commons had still the same Opinion of the Honour and Integrity of the Lords, which they had received from the Experience of past times; but that their Design in passing that Bill was to prevent those Abuses in Trials for Treason in inferior Courts for the future; by means of which, during the Violence of the late Reign, they had observed many had lost their Lives.

That

That the things to which the Bill extended were of such a Nature, that, except only in one Instance (that is, the Time of the delivery of the Copy of the Pannel; for it was agreed even in my Lord Russel's Case, That the Subject had a Right to have a Copy of the Pannel) the Lords had an equal Benefit with the Commons. That the Commons did not observe, that the Clause sent down by the Lords does relate to the like grounds of Complaint; for no Instance could be given of any Peer who suffered during the late Reign, from whence a just Cause of Objection might arise to the present Method of trying Peers; that the only two Persons prosecuted came off, though pursued with great violence; The one, because the Grand Jury could not be prevailed upon to find the Bill; the other was acquitted upon his Trial, by the Justice of his Peers. That by all the Circumstances of the Trial of the Lord Delamere, it is manifest, that if there was any Unfairness in the Method of Trial, it then would have appeared; that the Violence of those Times was such, that the Commons were not protected by that Innocency which has since been declared in Parliament; yet then the Lord Delamere was acquitted by the Justice and Honour of his Peers; and it might seem strange to future Ages, that the Commons should be contented, that the Method of Trials should be continued, which was not sufficient to protect their Innocency; and their Lordships alter that which had proved a bulwark to their Lives. That the Commons also thought the Clause to be of a different Nature from the Bill, because the Bill did not make any Alteration in the Court, or in the Nature of the Trial, which the Commons apprehended was done by the Clause; for thereby the Court is no longer constituted by the Precept of the Lord High Steward, who receives his Commission from the Crown, but the whole Order of Peers have a Right to make up the Court, and all Friends, Relations, and Accomplices of the Person are to be his Triers. That there was another great Alteration in the Constitution of the Court, as the Clause was penned; for this Method prescribed by the Clause, was for the Trial of every Peer, and according to that Method every Peer, who had a Right to sit and vote in Parliament, was to be summoned, and might appear and vote. Now it was agreed by the most learned Authors, that the Lords spiritual and temporal are Peers; and whosoever would go about to defend the contrary Opinion, would find it very difficult to answer the several Records of Parliaments, and other Authorities, where this point is asserted; particularly the well-known Claim in Parliament of Archbishop Sufford, in the Reign of Edward III. and the famous Protestation in the second of Richard II.

Answer &c. (when the Bishops thought fit to absolve themselves from Par-

1691.

liament, because matters of Blood were to be agitated there) wherein their Right of Peerage is directly asserted; and this Protestation being enrolled at the Desire of the King, and with the Consent of the Lords and Commons, seemed to be of the Nature of an Act of Parliament. That if the Law-Books might come in for Authorities in such a point, there are Cases, where the Pleas of the Bishops, as Peers, have been judicially allowed; so that this Clause did directly let in the Lords spiritual to try and be tried, as other Peers, who are noble by descent; nor that the Commons were dissatisfied with this, if this were the only Matter, for the Lords spiritual, in all probability, by their Learning and Integrity, would greatly assist at the Trials of Peers; and the Commons were well enough disposed to let in these noble Prelates to any Privileges in point of Trial, which should be proposed by the House of Peers: But this was urged to make good the Position laid down before, that by this Clause the Constitution of the Court was quite altered; it having been taken for Law, that the Lords spiritual are to be tried as other Peers, and to be present and vote at the Trial of any other Peer, at least out of Parliament: for as to their Right in Parliament, how far they are restrained by the Canons *agitate judicium*, how far these Canons have been received in England, and what the Usage of Parliament hath been, was not the present Business. That had this Bill come down from the Lords first, and the Commons had added a Clause, That no Commoner should be tried for Treason; but before all the twelve Judges, and a Jury of twenty-four Persons, and to have taken away all Challenges for Consanguinity, (which, if it was considered, was somewhat of the Nature of the Lords Clause, though it did not go so far) if the Lords had thought fit to have used the same Reason for disagreeing to such a Clause, as the Commons had done in the present Case, that it was different from the Design of the Bill, it would have satisfied the Commons; and that the same Reasons, which the Commons received from the Lords at the last Conference, if they had been delivered by the Commons, would not have been convincing to their Lordships.

The Commons likewise observed, 'That the Lords in the Clause, or in their Reasons, had not stated any Cause of Objection to the present Method of their Trials, and therefore the Commons wondered, that the Lords, (as they expressed themselves in their Reasons) should conceive that they were distinguished, so as to be more exposed in their Trials, than the meanest Subject; since the Commons did not find, but that they enjoyed this great and high Privilege (upon which so great a value has been justly put) as fully as ever any of their

those noble Adversaries did. That it is by this Privilege the Body of the Peers has been preserved so long, that if any Lord at any time should be disposed to expose himself in defence of the common Liberties of the People, the Commons are security to him from being oppressed by false Accusations; twelve of them must agree to find a Bill before he can be indicted, and that Bill cannot be found, but upon Oaths of two credible Witnesses. That the Commons looked upon the Methods of Trials, which the Lords would alter, so have been practised in the first Year of Henry IV. and to have been well known at that time. That indeed it could not be supposed to have been an Innovation then; the Lords, who had just before deposed King Richard II. being too great to suffer such an Innovation, and Henry IVth's Title not sufficiently established to attempt it. That the Reason, why no older Instances of Proceedings before the Lord High-Steward are to be found, is this, That this very Henry IVth, when Duke of Lancaster, was the last High-Steward who ever had any fixed Interest in the Office; so that the Office being so long since ceased, all the Records are lost, and the very Nature and Power of the Office, except in this Instance of trying Peers, and determining Claims at Coronations, is likewise lost: But since that time the High-Steward being only *pro hac vice*, the Proceedings are commonly transmitted into other Courts, and so come to be found.

Anno 3 W. 2 M.
1691.

The Commons urged, 'That if there be any Objection to that Method of trying of Peers, it must be founded on a Supposition of Partiality and Unfairness in constituting a High-Steward, or in the High-Steward himself, and the Peers summoned by him, and that the Commons were unwilling to enter into such kind of Supposals. As to the partial constituting of the High-Steward, if that might be supposed, it was an Objection to the Constitution which entrusts the Crown with the Administration of Justice. That that supposal might as well extend to the Constitution of the Judges and Sheriffs, and every other part of the Administration. And if upon such a supposal or distrust, the remedy must be to take away that part of the Administration out of the Crown (as was done in this Clause) the Reason must carry the thing so far, that the Nature of the Government would be altered. As to the Partiality of the Lord High-Steward and the Peers; the Commons were unwilling to suppose that it is possible, that twelve Peers should be ever found, (for that Number must agree, or the Person accused is false) who can so far forget their Honour, and the noble Order they are of, as for Revenge or Interest to sacrifice an innocent Person. But if the Lords would suppose that such a Number of Peers might be capable of being engaged in so ill and so dishonourable things,

Anno 3^W. & M.
1691.

things, then the Commons thought themselves excus'd, if they supposed, that other Passions and Motives might also prevail on the Peers: such as Pity in Friends, Partiality in Relations, and the Consideration of their Safety, in the case of Accomplices. The Commons farther alledged, that most Men, and especially Englishmen, enter unwillingly into matters of Blood: That the most indifferent Peers would be most likely to absent themselves, either from a Consideration of dissatisfying the Crown on the one hand, or drawing on themselves the Mischiefs of a Breach with the Family of the Person accused on the other, (for it is to be observed, that a Restitution of the Family follows generally in a short time;) or at least the Love of Security, and Care of not engaging too far (for those Trials for the most part happen in unquiet and troublesome Times) would keep different Men away. But the Care of a Friend must not fail to bring Friends to the Trials; the Concern to preserve the Family from that stain would bring Relations; and if there be any Accomplices, they must be ready for their own sakes to acquit the accused: And probably their Number must be considerable in these Cases; for it is not to be imagined, that a Lord can enter into those base and detestable Actions, which may be performed by single Persons; such as poisoning or assassinating the Prince. That the Treasons, which it can be imagined that Lords might be engaged in, must be such as arise from Faction in the State, which many must be engaged in; and if some Accident discover sufficient matter for a Charge against one of the parties, the rest, who are concealed still, would have as good Right to try their Confederate, as any indifferent Lord; And no doubt but it is their Interest to acquit him. And how far sometimes this alone might go towards turning the Scale of Justice, might deserve to be consider'd; especially in Times which might happen hereafter, because they happened heretofore, when there might be several Titles set up to the Crown, and great Parties formed. That this was a Law that was to have a perpetual continuance. And that the same Loyalty, Wisdom, and Zeal, which appeared now in their Lordships, should be derived down to all their Posterity, was a thing rather to be wished than depended upon; If therefore the Clause had a tendency towards letting in an Impunity for Treason, the Commons looked upon themselves as justified in disagreeing to it: For they thought it obvious to every one, of what consequence it would be to the Constitution, if such a Body as the Peers, who have already such Privileges of all sorts, should have Impunity of Treason added, and what that must naturally end in.

The Commons agreed with the Lords, that a good Correspondence between the two Houses was necessary for the
Safety

Safety, Honour, and Greatness of the Nation; and could never think, that it was to be interrupted by their refusing any thing, which might endanger the Constitution; assuring them, the Commons would never fail in improving all true Interest of the Lords; but they persuaded themselves that the Lords would be of opinion, that to introduce any thing which tended to an Impunity for Treason, was neither the true Interest of the Crown, the Lords, nor the Commons.

Anno 9 W. & M.
1691.

The Managers for the Lords, who spake at the Conference, were the Duke of Bolton, the Marquis of Halifax, the Earls of Pembroke, Rochester, Mulgrave, Nottingham, Monmouth and Stamford; and the Substance of what they alledged, was,

That the Lords were sorry to be of opinion different from the Commons, especially in a Clause of so great Importance, which did concern not only their well-being, but their being. That they had not differed from the Commons in any thing propounded for their Security; and hoped the Commons would have the same Consideration for theirs. That nothing was so proper for a Parliament, as to provide Defences for Innocency; that, in ill Times, Necessity, in good, Prudence puts them upon it; and though these were good Times, in respect of the present Government, yet they might say, they were unquiet and unsafe: and since none but a good Prince would ever pass such Laws as these are, this was the most proper time to provide for the Subjects; for a good King would not only be willing to protect them while he lives, but to provide for their Security after his Death. That this concerned not only themselves, and therefore they would speak the more freely; that 'tis too narrow a Consideration for a Parliament to seek only their present Ends; that their Ancestors had farther Thoughts, and the Lords did not doubt but the Commons would have so too. That there can be no good done in the times of Trouble and Invasion of Right, but by Agreement of both Houses; That there might come a Prince that might endeavour to invade the Liberties of the People, and then the Commons would be glad to have the Concurrence of the Lords: And they desired the Commons would consider in such a case, whether it would not be a great Discouragement for the Lords to act, unless they might be as secure, at least, as the Commons. That if there might be such Princes, was it fitting that part of the Government, which is so necessary to their Concurrence, should be under such Terms for their Lives, that they dare not oppose them with Vigour, nor act, because they lie under Shackles. That the Lords would do what is just, though this Clause should not pass, but they would be loth that these Lords that are eminent

Arguments of
the Lords.

ment

Answer to W. & M.
1694.

ment for their public Service, should be eminent for their Suffering for it.

‘ That in the case of Impeachments, which are the Groans of the People, and for the highest Crimes, and carry with them a greater Supposition of Guilt than any other Accusation, there all Lords must judge, but when there comes a private Prosecution, which may proceed from the Influence of particular Men, then the Lord lies under the Hardship of being tried by a few Peers, chosen to try him, when all the People may sigh and wish for him, but such a Clause would do him more good. That suppose an ill Minister should apprehend an Impeachment in Parliament, what manner of way could that Man hope better to come off by, than by being tried before a Parliament sits, where his Judges may be chosen so partially, as that he shall come off; and it shall be said no Man can legally undergo two Trials for the same Offence.

‘ That this way of Trial was not ancienter than Henry VIII. and that it was introduced then to take off those that he did not like. That in his time the Duke of Bucks was taken off in this manner by Cardinal Woolsey; and Anne of Bullen was condemned by her own Father. And afterwards a Party was chosen to condemn the Duke of Somerset, and the Duke of Northumberland. That the Case of the E. of H— is no good Case; nor truly reported. For the Parliament Rolls, 2 Richard IV. mention his being headed by the Rabble in Essex.

‘ That this Clause did not alter the Constitution any more, than as, in some sense, every new Law may be said to alter the Constitution. And if the Commons say it is altered, because formerly it was by a select Number, and now all must appear; that did not seem to alter the Constitution, for the High-Steward might summon them all. That the Lord High-Steward formerly summoned the Court; and he summons it still. That the Nature of the Court was not altered by the *Magis* or *Minus*, any more than the King’s Bench ceases to be the same Court, when there are three or four Judges in it.

‘ That tho’ this Clause did not (as was said) pursue the Ends of the Bill, yet either House has a power of adding what they think may make it better. And tho’ this was of a different nature, there had been Instances of Additions of different natures. But this was so far from it, that it agreed entirely with it, and was as suitable and necessary as any part of it. That the Commons were not well satisfied when the Commissions of the Judges ran *durante bene-placito*: And could it be thought reasonable, that the Lords, who are the supreme Judicature, should not stay in their Lives, *Quam-*
diu

de se bene gerant? That tho' the King did now appoint the Sheriffs, it was not always so: And since the Crown has made them, the Commons have this Security, that they may challenge thirty five of the Pannel peremptorily, and all the rest for Cause. But that the Judges and Sheriffs are made before the Crime committed; so that it is impossible for the Judges or Sheriffs to have prejudice against any Man; but the Lord High Steward is appointed after they know the Prisoner, and he shall be tried according to the Humour of the Times they are in. There may be Lords inclined one way or other: But in this case there is a strong thing joined with this Passion; which is making their own Fortunes by serving the present Times. That since the Trial of the Peers in the time of Parliament must be by the whole House; where is the Inconveniency, that at all times they should be tried as in Parliament? That it was a little favour the Lords asked in this Clause, considering the Privilege of Parliament, for three Years last past, had always been subsisting, and was likely to continue so during this War: So that the Objection was taken away, as to the present Government. For they would have the Advantage of a Parliamentary Trial, and possibly in time to come, there might be an Inquisition for what was done now; and it would be well to have the fairest way of Proceeding in that Matter. That in the case of the Lord Delamere, there were several Lords then in Town, and there were a great many of these Lords not chosen; and 'tis a great Question whether that noble Lord had come off as he did, if he had not receiv'd such notice from the Grand Jury, and every rising had been made out so plain. That the Argument used by the Managers, that they would not allow any thing that tends to Impunity, was a large Assertion, and ought to be an Argument against the Bill: Because it might happen, that by giving a Copy of the Indictment, and Witnesses being upon their Oaths, a guilty Man might escape, and then he had an Impunity, tho' this was not intended. That all that could be done in these cases, was to put in such reasonable caution, and as far as the Bill could provide for. That this Clause could not extend to the Bishops; for it related only to Trials out of Parliament, and they are only Peers in Parliament, where they may take their Privilege to hear, and then go out again, and do not vote in Blood: And by the Word (Peers) it must be understood of such Peers only, as are Peers in respect of their Blood. That the Lords were of opinion, seven Peers were sufficient to condemn a Peer; but this made no Alteration in the Argument; for there is not much more difficulty in getting twelve than seven. Indeed there might be a greater difference, where a Crown or Government was not concerned.

Anno 3 W. & M.
1691.

That the Excellency of a Jury is that they are taken *ex vicinitate* What is the reason of this? Why, in case of false Witnesses, it is his Neighbour that is to save the Man. But what Security have the Lords, when the Lords are picked out to try them who are not of their Acquaintance? and the Lords, that know the whole Course of their Lives to be contrary to what is sworn against them, shall not be chosen. That it is implied in the Commission of the Lord High-Steward, that all the Peers should be summoned; for by the Commission, all the Peers of the Realm are commanded to attend him, and be obedient to him: So that the King does not only give Liberty, but seems to command it.

The Commons
Reply.

The Managers of the Commons, by way of Reply, said, 'That this Clause would alter the Constitution of this Court, and thereby a very considerable Part of the Constitution of the Government, and that for the worse. That it is not to be granted, that every new Law does alter the Constitution. That a new Law may be made to strengthen or restore the Constitution against Abuses; it may be declaratory, it may ascertain things that were left to reasonable Discretion, which are the Circumstances and Accidents; and notwithstanding such new Laws, the Substance of the Constitution remains the same. That so by this Bill, the Person indicted was to have a Copy of his Indictment ten Days before he should plead; whereas now by the Common Law he was to have the Indictment read to him as often as he needs, and to have Copies of so much of it, as he hath occasion to use, and reasonable Time to plead. That by this Bill he was to have his Witnesses sworn, which in some learned Men's Opinion was the Law before; however it was but a Circumstance added to the Testimony: That likewise by this Bill, he was to have a Copy of the Pannel before the Trial, whereas by the Course used now, he hath a Copy a reasonable time before; and that by the Law now he is to have a reasonable time to prepare for his Trial, which Time this Bill ascertained to a Number of Days. But the Commons urged, that the Alteration by the Clause in question, was in a most substantial part, and which highly affected the Constitution of the Government.

'That if a like Clause were brought in, That every Commoner should be tried by all the Freeholders of the County that would appear (or such of them as they should depute) it could not be well denied, that this were a Change in the Constitution of the Government. That it might as well be said, that it is not any altering of the Constitution, to divest the Crown of the Power of making Judges in Courts of Law and Equity, and other Courts; or making Justices
of

of the Peace, or other Officers. That it was granted in Parliament, 28 Edw. I. that the People of any County should chuse the Sheriffs; but thereupon ensued such Factions, Confusions and Mischiefs in the County, that by the Desire of the People in Parliament, 1 Edw. II. the Power of making Sheriffs was settled in the Crown. That though the High-Steward be said to be the Court, yet the Peer's Tryers are so necessary a Part of the Court, that the Conviction or Acquittal depends entirely on them; and therefore not only the Number of Triers, but the Nature of the Court might be properly affirmed to be altered by this Clause. That the Commons were surprized when they heard it alledged, that this Court and Course of Trial was first introduced in Henry VIIIth's Time, by Cardinal Woolsey, in the case of the Duke of Bucks; and that all Trials of Peers before were in Parliament. That the Statute made 15 Edw. III. manifestly proves the contrary; it ordained that Peers should be tried by the Peers in Parliament; but provides, that if any Peer should chuse to be tried elsewhere than in Parliament, he might. That indeed, the Statute was repealed, 17 Edw. III. (because it was so injurious to the Prerogative) but yet it shews there was then such a Court and Course of Trial as this, out of Parliament; for they could not in Edw. III's time divine, that there should be such a new Court and Manner of Trial erected in Henry VIIth's time. That the Trial of the Earl of H—, Henry IV. reported in the Year-Books, is no more to be questioned, than any other Case there: And it is cited as authentic, by Stampford, in his learned Treatise of the Pleas of the Crown: And his opinion also is, that this way of Trial was meant in the *Judicium Parium*, mentioned in *Magna Charta*; and Stampford is of greater Authority in this behalf, for that he was cotemporary to the Reign of Henry VIII. and could not have been unacquainted with this Innovation, if such there had been made, in that time. That the very Clause now in question did affirm the Legality of this way of Trial; for it distinguishes Treasons, which corrupt the Blood, from others, and left all other Treasons and all Felony to be tried by Peers summoned by the High-Steward, as was now used; which shewed too, that there was no great danger apprehended to the Peers from this kind of Trial. That the Commons did not admit that a Peer can be convicted by seven Peers; that there must be twelve at least to concur in the Verdict: That it is not only said by my Lord Coke, but the Law is, *That no Man shall suffer capitally at the King's Suit, unless his Offence be formed by twenty four at least; that is, twelve to find the Indictment, and twelve to give the Verdict.* That twelve

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Peers must agree in the Verdict, was resolved in the Lord Dacre's Case, 26 Hen. VIII. which is remembered in Moor's Reports And that the Case of every Peer that has been convicted is a Proof of this; for it cannot be shewn that ever any Peer was convicted by fewer than twelve. That this *Dubdecim Vir. Judicium* (some time in use in foreign Countries) was always approved and established by the Law of England, and understood to be that Authority to which the Determination of contested Facts is entrusted.

And therefore in all other Commissions and Precepts, as well as these of the High-Steward, wherein the Commission is in general Words, viz. To return or summon *per & tales*, such and so many Persons, by whom the Truth of the Matter may be tried; it is to be answered and performed by the bringing of twelve Persons, who are to agree in the determining of the matter enquired of. And as to that Clause which requires all Peers to be attending, it is but a Clause of the same Form and Nature, as in the Commissions of Oyer and Terminer, and other Commissions; and imports no more than that all Persons should attend, that are required to do so by Law; and it can be no more inferred from these Words, that the High-Steward is to summon all the Peers, than from the like Words in other Commissions, that all Freeholders are to be summoned.

That it is the common Notion of our Law, that no Man shall be convicted of a Crime, but by the unanimous Judgment of twelve unexceptionable Persons, summoned by the King's Officers; that the Commons have liberty of challenging, because that Fear and Corruption, or other Cause of Partiality may be supposed among them. That the Lords have no Challenge, but all Peers are esteemed unexceptionable, because nothing so mean and dishonourable is to be presumed among them. That their Lordships Ancestors chose to distinguish themselves from their Inferiors, and always claimed and enjoyed a Privilege, to be entrusted otherwise than the Commons are, viz. they are upon Honour, not upon Oath; are not changeable; give their Verdict *seriatim*; may have more than twelve on a Trial, and have claimed a liberty to eat and drink before their Verdict; and they used to value themselves upon these things, as Dignities and Privileges. That now the Commons that are forbid to speak otherwise of the present Peers, than of their Ancestors, are to be excused, if they think no otherwise of them.

Moreover, the Commons observed, that what their Lordships had alledged, concerning the Inconveniences of Abuses that had been, or might be in this way of Trial, was grounded upon undue Suppositions concerning the Peers,

Peers, or upon Mistakes, and not warranted by Experience. Apoc. 17. 4. M.
 They said: they thought it a strange and foreign Supposition, that a great and guilty Minister finding himself liable to an Impeachment next Session of Parliament, should by his Power procure himself to be tried and acquitted by an Inquest of Peers, on purpose by a Plea of *autre fois* to prevent a second, and true Examination of his Crimes; for he must first be indicted of the Treason, and then run a hazard whether his Power will be, and continue sufficient to oblige so many Peers to acquit him by an untrue Verdict. That there is no Example in this kind, and if such an unheard-of Proceeding should ever happen, it is left to Consideration, whether a Parliament could not vindicate a Kingdom, against so gross and fraudulent a Contrivance. Besides, that the Court, as it was ordered by this Clause, would be no less liable to such Abuse. That their Lordships did not assign any sufficient Instances of any Injustice in this Court, and perhaps this Court has continued the most unblemished in point of Justice of any Court whatsoever. That in the few Trials which have been there for Treason, there have been two Acquittals, *viz.* of the Lord Dacres, and the Duke of Somerset, besides that of the Lord Delamere. That the Duke of Northumberland's Crime was notorious, he having been in open Rebellion against Queen Mary. That if the Earl of Wiltshire had been forced to sit on the Trial of his Daughter Anne Bullen, it seems to shew a greater fairness; and if the Court had been constituted according to this Clause, he must have been summoned; and if the Trial had been in Parliament, he (as well as all other Peers) had been obliged to come. But that the Tradition about that Matter was rectified, by the Discovery made by a Reverend Prelate, in his History of the Reformation (a Book approved of by their Lordships) where it is made appear that that Earl did not sit upon the Trial of the Queen. That if all Power must be abolished, which is possible to be abused, there must be no Power left to the King, or Lords, or Commons, and perhaps there were no harder Cases to be found, than those wherein all three have concurred, of which the attainting Cromwel Earl of Essex, without the suffering him to come from the Tower to be heard, is an instance. That if any Inquisition might be made into what is now doing, 'twere better to lay aside the Clause, that nobody might have any dependance, but upon the Safety of the present Government.

That the High-Steward is made *pro hoc vice*, or after the Crime, is no singular thing; for the Justices of Oyer and Terminer, and of Goal-delivery, are made so twice a Year or oftener, and all hold their Places during the King's Pleasure.

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sure. That notwithstanding this Clause, the High-Steward is still to be appointed by the King in the same manner as before; and in all Treasons, (but those mentioned) and in all Felonies he continues to have the same Power of trying a Peer, by an Inquest of Peers, summoned by his Precept, as is now used; by which alone the Lives and Fortunes of the Peers will remain exposed to as much Danger, as they were (if any there were) before this Bill. The Commons acknowledged they had known, that when a Peer hath stood indicted, a Parliament sitting, the Indictment hath been by the King's Writ of *Certiorari* removed into the House of Peers, there to be tried by all Peers, but they did not know that of Necessity that must be done, or that such Peers might not then be tried in the ordinary Court; and it would be highly inconvenient in case of long Parliaments, if it might not be so. But that is no concluding Argument, that because there is this extraordinary Way of Trial, therefore the ordinary should be taken away.

‘ That there is also another Way of Trial, which in other capital Offences concerns the Peers too, that is, by a Jury of Free-holders, which their Lordships in this Debate commend, because those Free-holders were of the Vicinage, and the Prisoner might challenge thirty five without Cause; and by this the Peers, as well as Commons, are to be tried in an Appeal of Rape, Murder, or other Felony; but it was supposed, that their Lordships would not allow it to be a good Argument, that therefore they should be ordered to be tried so in Treason and Indictments of Treason; but they held it a Privilege to be tried in such Cases by their Peers, in the Manner now used.

‘ That the Method of Trial appointed by this Clause was worse than this now in being, and it had nothing of the Nature and Virtue of a Trial in Parliament; for the Lords House hath Power to send for, and cause all the Peers to come (as they did upon the Trial of the late Lord Stafford) but to this intended Court none are to come, but such as voluntarily will, nor is it required, that there should be twelve, or any certain Number; if but two or three appear it is enough, and probably none would come but the Complices, and Abettors, and Favourers, and Friends, and Relations of the Party. Nor is it possible to bring together all the Peers there, as in Parliament; for in Parliament, the House of Peers may appoint or adjourn the Proceedings at or to any time or times, and as often as they think fit, till the House be full: But the Proceeding in this Court before the High Steward is the Work but of one Day.

‘ In the last place the Commons replied; That they did not find reason to pass this Clause from what was so much pressed

pressed by their Lordships, viz. *That the Clause did provide such Defence for the Peers, as would encourage them to adventure to join boldly with the Commons, in asserting the public Liberties.* Anno 4th W^m. 1692.

For the Commons did not find, by the present Constitution, the Lives and Fortunes of innocent Peers were (as their Lordships intimated) exposed to the Will of a great and malicious Minister; and if they were, they did not see, that they would be protected by this Provision, since it extended but to some 'Treason, and to no Felonies; and might say, it did not deserve the Name of Adventure, for their Lordships to act only upon Terms of perfect Safety. And on the other hand, the Commons apprehended it would afford too great a Prospect of Safety to guilty Peers, and might embolden them to attempt against the Crown or public Liberties.

The Commons acknowledged, that these were good Times, and if they were unquiet or unsafe, 'twas in relation to the Crown, and not to the Peers, the Peerage was in no danger; the Peers had Power enough, and the Crown had not too much, nor ought to be rendered less safe; therefore the Commons would insist upon the old Ways, keep the Balance of the Government as they found it, and not change the Laws of England, which had hitherto been used and approved.

This Conference occasioned great Debates in both Houses, The Lords and Commons persist in their Disagreement. and was followed by three other free Conferences; the Result of all which was, that the Lords insisted upon their Clause, and that the Commons adhered to their Disagreement to it.

On the 24th of February, the King came to the House of Peers, and pass'd *The Poll-Bill: The Militia-Bill: That against corresponding with their Majesties Enemies: Against Deer-stealing: That for the Settlement of the Poor: Those about Benefit of Clergy: Feeding Cattle, &c.* And then clos'd this Session with the following Speech:

' My Lords and Gentlemen,

' I Return my hearty Thanks to you all, for the great Demonstrations you have given me of your Affections in this Session, and of your Zeal for the Support of the Government. The King's Speech.

' And I must thank you, Gentlemen of the House of Commons, in particular, for the great Supplies you have granted for the Prosecution of the War. I assure you, I shall take care so to dispose of the Money you have given me for the public Occasions, as that the whole Nation may be entirely satisfied with the Application of it.

' My Lords and Gentlemen,

' I think it proper to acquaint you with my Intentions of going beyond Sea very speedily, which, I am afraid, has been

Amo: Wi: 1741.
1741.

been retarded more than is convenient for the present Posture of Affairs; and upon that Account, I think it necessary to put an end to this present Meeting; the Season of the Year being now so very far advanc'd, that it may prove of the last ill Consequence to continue it any longer.

On Friday, November the 4th, The Parliament met at Westminster, when the King made this Speech to both Houses.

Fourth Session
of King Wil-
liam's Second
Parliament.

The King's
Speech to both
Houses.

My Lords and Gentlemen,

I Am very glad to meet you again in Parliament, where I have an Opportunity of thanking you, for the great Supplies you have given me for the Prosecution of this War. And I hope by your Advice and Assistance, which has never failed me, to take such Measures as may be most proper for supporting our Common Interest against the excessive Power of France.

We have great reason to rejoice in the happy Victory, which, by the Blessing of God, we obtained at Sea; and I wish I could tell you, that the Success at Land had been answerable to it: I am sure my own Subjects had so remarkable a Part in both, that their Bravery and Courage must ever be remembered to their Honour.

The French are repairing their Losses at Sea with great Diligence, and do design to augment their Land Forces considerably against the next Campaign; which makes it absolutely necessary for our Safety, that at least, as great a Force be maintained at Sea and Land, as we had the last Year; and therefore I must ask of you, Gentlemen of the House of Commons, a Supply suitable to so great an Occasion.

I am very sensible how heavy this Charge is upon my People; and it extremely afflicts me, that 'tis not possible to be avoided, without exposing ourselves to inevitable Ruin and Destruction. The Inconvenience of sending out of the Kingdom great Sums of Money, for the Payment of the Troops abroad, is, indeed, very considerable; and I so much wish it could be remedied, that if you can suggest to me any Methods for the Support of them, which may lessen this Inconvenience, I shall be ready to receive them with all the Satisfaction imaginable.

My Lords and Gentlemen,

None can desire more than I do, that a Descent should be made into France; and therefore notwithstanding the Disappointment of that Design this last Summer, I intend to attempt it the next Year, with a much more

considerable Force; and so soon as I shall be enabled, all possible Care and Application shall be used towards it. Anno W. & M. 1691.

And upon this Occasion I cannot omit taking notice of that signal Deliverance, which, by the good Providence of God, we received the last Spring, to the Disappointment and Confusion of our Enemies Designs and Expectations: This has sufficiently shewn us how much we are exposed to the Attempts of France, while that King is in a Condition to make them; let us therefore improve the Advantage we have at this time, of being joined with most of the Princes and States of Europe, against so dangerous an Enemy: In this surely all Men will agree, who have any Love for their Country, or any Zeal for our Religion. I cannot therefore doubt but you will continue to support me in this War, against the declared Enemy of this Nation; and that you will give as speedy Dispatch to the Affairs before you, as the Nature and Importance of them will admit, that our Preparations may be timely and effectual, for the Preservation of all that is dear and valuable to us.

I am sure I can have no Interest but what is yours; we have the same Religion to defend; and you cannot be more concerned for the Preservation of your Liberties and Properties than I am, that you should always remain in the full Possession and Enjoyment of them; for I have no aim, but to make you a happy People.

Hitherto I have never spared to expose my own Person for the Good and Welfare of this Nation; and I am so sensible of your good Affections to me, that I shall continue to do so with great Chearfulness upon all Occasions, wherein I may contribute to the Honour and Advantage of England.

This excellent Speech produced hearty Addresses from both Lords and Commons, and in particular to the Queen, for her wise and happy Administration in the King's Absence. Addresses of Thanks.

On the 11th of November, the Bill for regulating Trials in Cases of High-Treason was reviv'd, and a Clause being presented, to be added to it, a Debate ensued; the Result of which was, that the Bill was ordered to lie on the Table; and no farther mention was made of it during this Session. The Bill for regulating Trials in Cases of High-Treason, revived and dropt again.

The Commons took into Consideration the Naval Affairs, and began with giving Admiral Russel their Thanks for his great Courage and Conduct in the late Victory obtain'd at Sea. However, there wanted not Persons in the House, who suggested that the Advantage gained upon the Enemy, might have been better improv'd. Upon which, the House

TOME II.

F f f

The Parliament thank Admiral Russel. Enquiries into the Conduct of the Fleet.

* That of la Hogue.

Asses. W. & M.
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enter'd upon the examining the several Instructions, Orders, and Results of Councils of War, touching the last Summer's Expedition in relation to the Proceedings of the Fleet, and the Descent intended to be made upon France, after the Victory at Sea. Sir John Ashby was examined the 19th of November, particularly in relation to the French Men-of-War, that made their Escape into St. Malo, which the Count de Fourbin, who commanded one of those Men-of-War, * confess'd might have been destroy'd with good Management by the English. However, the House was very well satisfied with Sir John Ashby's own Account of that Matter; and the Speaker, by Direction of the House, told him the House took notice of his ingenuous Behaviour at the Bar, and that he had given them Satisfaction, and was dismiss'd from farther Attendance. The next thing the Commons took into Consideration, was, why a Descent had not been made into France? Admiral Russel was question'd about it; but he excus'd himself by saying, That twenty Days had pass'd between his first Letter to the Earl of Nottingham, after the Fight, and his Lordship's Answer.

In the mean time, the Lords, at a Conference, communicated to the Commons some Papers, which their Lordships had receiv'd from the King, relating to those Affairs, which being read afterwards in the Lower House, it was *Resolv'd*, That Admiral Russel, in his Command of the Fleet, during the last Summer's Expedition, had behav'd himself with Fidelity, Courage, and Conduct.

A Bill brought
in, for regulat-
ing the East-
India Trade.

On the 14th of November, Sir Edward Seymour deliver'd to the Commons a Message to his Majesty, in answer to their Address about the East-India Company the last Sessions. Upon which, a Bill was brought in for *Regulating and Establishing the East-India Trade*; but it met with great Opposition, and the Debate ended in an Address to his Majesty, that the former, to dissolve the Company; to which the King was pleas'd to return this Answer, 'I will always do all the ' Good I can for this Kingdom, and I will consider of your ' Address.'

In less than a Month's Time, the Commons went through the Supply and voted,

For

* The said Count de Fourbin's Account of this Affair, runs thus :

In the Evening there appear'd a Fleet of 40 Sail, which were Merchant-Ships going to Havre-de-Grace, under Convey of one of the King's Ships; the English, who spy'd them as well as we, thought it was the Fleet which the Count d'Estrees was bringing from Provence to join ours, which was the reason that they put themselves again in Order of Battle, expecting another Attack; but when Day broke, we saw they were above seven Leagues off. If we had in our turn taken advantage of this Opportunity, which offer'd as it were, of itself, this false Step of the Enemy would have given the King's Fleet all the Time necessary to get away, but they did not improve it.

For the Fleet 19265161. for the Army 20905631. for Deficiency of the Poll-Bill 7500001. in all 47670791. The ways and means for raising these prodigious Sums, were chiefly four Shillings in the Pound Land-Tax, 7000001. *per Annum* out of the Hereditary Excise for four Years; and an Additional Excise on Liquors, to raise a Million by Annuities.

Annos 4 W. & M.
1690.

Supplies voted.

The latter was an unconscionable Advantage to the Subscribers, who had 14 *per Cent.* for Life, and many of them are receiving it to this very Day.

An unconscionable Premium for Money by Annuities.

That part of the King's Speech which refer'd to the Commons the Consideration of Methods to prevent the Inconveniencies of sending Money abroad, took up a great deal of Time.

In the Consideration of the Navy, a Motion was made, That his Majesty be humbly advis'd, to constitute a Commission of the Admiralty of such Persons as were of known * Experience in Maritime Affairs, which upon the question pass'd in the Negative.

About the same time that the Address was mov'd for, another Address was carry'd Jan. 11. That for the future all Orders for the Management of the Fleet, should pass through the Hands of the Lords Commissioners for the executing the Office of Lord-High-Admiral: [which Vote was thought to be occasion'd by the Difference between the Earl of Nottingham and Admiral Ruffel.]

A Bill for satisfying the Debts due to the Orphans of London, was brought into the House of Commons; but not pass'd.

A Bill was brought in by the unanimous Consent of the House, for the better Preservation of their Majesties Persons; which was however thrown out at the second Reading. The same Fate attended the Bill for the ascertaining the Fees of Officers. A Care worthy the Regard of that House, considering the abominable Extortions too much countenanc'd, as well as practis'd in Courts of Justice, as well as other Places.

About the beginning of December, Sir Edward Hufsey, Member of Parliament for the City of Lincoln, presented to the House of Commons, *A Bill touching Free and Impartial Proceedings in Parliament*, which pass'd the Commons and was sent to the Lords for their Concurrence.

But not passing there, Occasion was taken to bring in and pass another Bill for frequent Parliaments, which pass'd the House of Commons also, but was refus'd by the King; Bill for frequent Parliaments.

The King refuses to pass the Bill for frequent Parliaments.

F ff 2

* This Motion was principally occasion'd by the following Fact:

One of the Lords of the Admiralty being apply'd to by some Barbadoes Merchants for Convoy, and pressing him to provide it for them; he answer'd, they needed not to have given themselves that Trouble; for the Virginia Convoy would be order'd to take care of their Ships.

Anno 4 W. & M.
1692.

Pamphlets
order'd to be
burnt.

Address of the
Commons upon
the State of
Ireland.

and the Reason given for it, was, that the King had no mind to part with this Parliament as long as the War lasted.

January the 21st. A Complaint having been made to the House of Commons, of a printed Pamphlet, entitled, *King William and Queen Mary Conquerors*, as containing Assertions of dangerous consequence to their Majesties, to the Liberties of the Subject, and Peace of the Kingdom; the House, upon examination of the matter, ordered the said Pamphlet to be burnt by the Hands of the common Hangman; and that his Majesty be desired to remove Mr. Edmund Bohun, the Licenser, from his Employment, for having allowed the same to be printed. In this Debate it was suggested, that Dr. Burnet, Bishop of Sarum, had recommended this Notion of Conquest, in his Pastoral Letter to the Clergy of his Diocese; though he had done it only upon a favourable Supposition, not in a way of assertion: However the Majority in the warmth of debating, and some of them for the sake of * Allusion to the Author's Name, passed the same Censure on the said Pastoral Letter, and ordered it publicly to be burnt by the common Executioner. On January the 24th the Lords came to a like Resolution; That the Assertion of King William and Queen Mary's being King and Queen by Conquest, was highly injurious to their Majesties, and inconsistent with the Principles on which this Government is founded, and tending to the Subversion of the Rights of the People. Which Vote being communicated to the Commons, that House, on the next Day, unanimously concurred with their Lordships, with the remarkable addition of some words; viz. injurious to their Majesties rightful Title to the Crown of this Realm.

Sir Edward Seymour, being order'd to represent to his Majesty, that under pretence of pressing Men for Sea-Service, Land-men had been taken up, and ship'd off for Flanders, as particularly a Servant to a Member of the House of Commons; his Majesty return'd Answer by the same Sir Edward, that he had order'd the Officers of the Army not to receive any such press'd Men, and the Commissioners of the Admiralty to examine the Press-masters, and punish those that had press'd Landmen for Sea-Service.

Upon Information given to the House of Commons, of the ill State of Ireland, the House ordered an Address to be drawn up; which was presented to his Majesty on March 10 in this form.

We your Majesty's most dutiful and loyal Subject: the Commons in Parliament assembled, having taken into our serious consideration the state of your Majesty's Kingdom of Ireland, find our selves obliged by our duty to your Majesty, with

* Burn it! Burn it!

with all Faithfulness and Zeal to your Service, to lay before your Majesty, the great Abuses and Mismanagements of the Affairs of that Kingdom. Anna W. & M.
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‘ By exposing your Protestant Subjects to the Misery of free Quarter, and the Licentiousness of the Soldiers, to the great Oppression of the People; which we conceive hath been occasion’d chiefly by the want of that Pay, which we did hope we had fully provided for.

‘ By recruiting your Majesty’s Troops with Irish Papists, and such Persons who were in open Rebellion against you, to the great endangering and discouraging of your Majesty’s good and loyal Protestant Subjects in that Kingdom.

‘ By granting Protections to the Irish Papists, whereby Protestants are hindered from their legal Remedies, and the course of Law stop’d.

‘ By reversing Outlawries for High-Treason against several Rebels in that Kingdom, not within the Articles of Limerick, to the great discontent of your Protestant Subjects there.

‘ By letting the forfeited Estates at Under-Rates, to the Prejudice of your Majesty’s Revenue.

‘ By the great Embezzlement of your Majesty’s Stores, in the Towns and Garrisons of that Kingdom, left by the late King James.

‘ And by the great Embezzlements which have been made in the forfeited Estates and Goods, which might have been employed for the Safety and better Preservation of your Majesty’s Kingdom. We crave leave to represent to your Majesty, that the Addition to the Articles of Limerick, after the same were finally agreed to and signed, and the Town thereupon surrendered, hath been a very great Encouragement to the Irish Papists, and a weakening to the English Interest there.

‘ Having thus, most gracious Sovereign, out of our affectionate Zeal to your Majesty’s Service, with all humble Submission to your great Wisdom, laid before you these Abuses and Mismanagements in your Kingdom of Ireland, we most humbly beseech your Majesty, for redress thereof,

‘ That the Soldiers may be paid their Arrears, and the Country what is due to them for quarters; and that no Irish Papist may serve in your Army there.

‘ And, forasmuch as the reducing of Ireland hath been of great expence to this Kingdom, we do also humbly beseech your Majesty, that (according to the assurance your Majesty has been pleas’d to give us) no Grant may be made of the forfeited Estates in Ireland, till there be an Opportunity of settling that matter in Parliament, in such manner as shall be thought most expedient.

‘ That

Anno 4th W. & M.
1692.



‘ That the true Account of the Escheats and forfeited Estates, both real and personal, and Stores left by the late King James, may be laid before the Commons in Parliament; to the end, that the said Escheats, Forfeitures, and Stores, and the Embezzelements thereof, may be enquired into.

‘ That no Outlawries of any Rebels in Ireland may be reversed, or Pardons granted to them, but by the Advice of your Parliament; and that no Protection may be granted to any Irish Papist, to stop the Course of Justice.

‘ And as to the additional Article which opens so wide a Passage to the Irish Papists, to come and re-possess themselves of the Estates which they had forfeited by their Rebellion; we most humbly beseech your Majesty, that the Articles of Limerick, with the said Addition, may be laid before your Commons in Parliament, that the manner of obtaining the same may be enquired into; to the end it may appear by what Means the said Articles were so engaged; and to what Value the Estates thereby obtained do amount.

‘ Thus, may it please your Majesty, we your most Dutiful and Loyal Subjects, do lay these matters in all Humility before you; and as your Majesty hath been pleased to give us such gracious Assurances of your readiness to comply with us, in any thing that may tend to the Peace and Security of this Kingdom, we doubt not of your Majesty’s like Grace and Favour to that of Ireland; in the Safety and Preservation thereof, this your Majesty’s Kingdom is so much concerned.’

His Majesty’s
Answer.

To which Address his Majesty return’d this prudent Answer:

‘ Gentlemen, I shall always have great consideration of what comes from the House of Commons; and I shall take great care that what is amiss shall be remedied.’

The House seemed to be well satisfied with this Answer, and proceeded vigorously in the remaining part of the Supplies; being sensible that his Majesty was desirous to go early into Holland.

Royal Assent
given to several
Acts.

On the 14th of March his Majesty came to the House of Peers, and gave the Royal Assent to the Supply Bills: To an Act for preventing Suits against such as acted in Defence of the Kingdom. To Acts for the Militia, and Public Accounts; for punishing Mutiny, Desertion, and False Musters; to an Act for the Encouragement of Privateers; and to another for Preserving the Game: And to 22 private Acts. After which, his Majesty made this Speech.

King’s Speech.

‘ My Lords and Gentlemen,
‘ **T**HE large Supplies, which you have given me this Session, are so great Testimonies of your good Affections, that I take this Occasion with great Willingness,
‘ to

' to return my hearty Thanks to you: And I assure you, it ^{Annals W. & M.} shall be my Care to see that that Money you have given, ^{1692.} may be effectually applied to such Services, as may be most for the Honour and Interest of England.

' I must recommend to your Care the Peace and Quiet of the several Counties to which you are now returning; and doubt not, but by your Care, the Supply, which you have so freely given, will not only be effectually levied, but with the greatest Equality too, and the least Uneasiness to the People that is possible.

' My Lords and Gentlemen,

' The Posture of Affairs does necessarily require my Presence abroad; but I shall take care to leave such a Number of Troops here, as may be sufficient for the Security of the Kingdom against any Attempts of our Enemies.

' I shall add no more, but that as I shall continue to expose my own Person upon all occasions, for the Good and Advantage of these Kingdoms, so I do likewise assure you that my hearty and sincere Endeavours shall never be wanting in any other kind, to make this a great and flourishing Nation.'

Then the Parliament was prorogu'd to the Second of May.

The Parliament met at Westminster, Nov. 7. and his Majesty made this Speech to both Houses. 1693.

' My Lords and Gentlemen,

I Am always glad to meet you here, and I could heartily wish that our Satisfaction were not lessen'd at present by the Disadvantages we have receiv'd this Year at Land, and the Miscarriages of our Affairs at Sea. I think it is evident that the former was only occasioned by the great Number of our Enemies, which exceeded ours in all Places. For what relates to the latter, which has brought so great a Disgrace on the Nation, I have resent'd it extremely, and as I will take care, that those who have not done their Duty, shall be punish'd, so I am resolv'd to use my utmost Endeavours, that our Power at Sea may be rightly manag'd for the future. And it will well deserve your Consideration, whether we are not defective both in the Number of our Shipping, and in proper Ports to the Westward, for the better annoying our Enemies, and protecting our Trade, which is so essential to the Welfare of this Kingdom. King's Speech

' My Lords and Gentlemen,

' I am very sensible of the great Affection wherewith you have always assisted me to support the Charges of the War, which have been very great; and yet I am persuaded

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suaded that the Experience of this Summer is sufficient to convince us all, that to arrive at a good end of it, there will be a necessity of increasing our Forces both by Sea and Land the next Year. Our Allies have resolv'd to add to theirs; and I will not doubt but you will have such regard to the present Exigencies, as that you will give me a suitable Supply to enable me to do the like. I must therefore earnestly recommend to you, Gentlemen of the House of Commons, to take such timely Resolutions as that your Supplies may be effectual, and our Preparations so forward, as will be necessary both for the Security and the Honour of the Nation.

Resolution
thereon.

The 13th, *Resolved, nem. con.* That this House will support their Majesties and their Government, and will next enquire into the * Miscarriages of the Fleet, the last Summer; and

* For the Reader's better understanding what follow'd in the House, on this Head, we have subjoin'd an Historical Account of the whole Affair.

The English and Dutch Fleet was large and strong, and early equipp'd. There was also ready to take under their Convey a Fleet of Merchant-men, consisting of about 400 Sail, English, Dutch, Hamburgers, Danes, &c. bound for the Streights. The Grand Fleet went with them to a certain Latitude, and then Sir George Rook with 23 Men of War, was order'd to proceed to the Streights. He left by the way, the Vessels bound for Bilbao, Lisbon, St. Ubes and other Ports, under Convey of two Men of War; and on the 11th of June, being come within 60 Leagues of Cape Vincent, he discover'd part of the French Fleet: upon which he call'd a Council of War, wherein it was resolv'd, that the Wind being fresh Westwardly, and giving a fair Opportunity to hasten their Passage to Cadix, the Merchants shou'd make the best of their way. Not long after, Sir George Rook discover'd the Enemies whole Fleet; and stood off with an easy Sail, to give what time he could to the heavy Sailors to work away to the Windward. The Sbeerests was sent with Orders to the small Ships that were under Shore to get in the Night into Faro, St. Lucar and Cadix. About six in the Evening, June 16th, the French Admiral, the Count de Tourville, and Vice-admiral of the Blue, came up with the Leeward and Sternmost of the Confederate Squadron; which were three Dutch Men of War, that fought first eleven, and then seven French Men of War, but were at last forc'd to yield, having made the most obstinate Resistance that ever was known; and the Captains being carried on board the French Admiral, he ask'd Captain Schreyer, one of them, Whether he was a Man or a Devil? but he treated them very civilly. The Dutch Merchant-men made for the Shore, and the Enemy after them, which gave a fair Opportunity to the Windward Ships and those a-head to sail off; and this tacking after the Dutch, sav'd most of the Fleet. However, the loss was very considerable, for besides four of the greatest Smyrna Ships, and one Dutch Man of War, which Monsieur Coetlogon burnt or sunk at Gibraltar, and seven which he took; Monsieur de Tourville and the Count d'Estrees, the supreme Admirals of France, most gloriously burnt a rich Pinnace, as in Bishop Kennet's History, and an English Man of War, took 29 Merchant-Ships, and destroy'd about 50 more; which Account must be corrected, by that which the Count de Tourbin, who commanded a French Man of War in this Action, gives us; and

and take into their Consideration, how to preserve the Trade of the Nation. Anno 5 W. & M.
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In pursuance of this Resolution, several Orders were made, the same day, and among the rest, one for the Attendance of Sir George Rooke, who for that time excused himself, on account of Indisposition.

The 14th, A Bill for regulating of Trials in Cases of Treason, and Misprison of Treason, was brought in, and a Motion being made, That the said Bill be now read, it pass'd in the Negative, Yeas 100, Noes 110. Bill to regulate Trials brought in.

The 15th, the Turkey-Company attended, according to Order, with Copies of their several Petitions to Her Majesty, and the Commissioners of the Admiralty, as did likewise Lord Falkland, from the said Commissioners with an Account of what Directions had been given to the Straights-Fleet, since Sir George Rooke was appointed Admiral, and a List of the Ships and Vessels employ'd in their Majesties Service, in the Main-Fleet, Convoys, Cruizers, &c. Copies of Petitions from the Turkey Company, and Admiralty Orders laid before the House.

The

and we shall there find that the French who are so apt to magnify their own gains and their Enemies losses, make both less at this time, than they are made by our own Historians.

The King's Fleet, says the Count, consisting of 75 Sail, under the command of the Marechal de Tourville, who having been beaten the last Year by Admiral Russel, was made a Marechal of France, and Admiral Russel, who beat him laid aside; sail'd for the Straits of Gibraltar, to meet the Count d'Estrees, who was coming from Provence with 20 other Ships. We anchor'd in the Road of Lagos, on the Coast of Portugal; I was commanded to go out for Intelligence, and to examine strictly what appear'd: so that if I perceiv'd a great Number of Ships, I should make it my Business to find out whether they were Merchant-men or Men of War, belonging to the Enemy. Three other Captenins were detach'd with me on the same Errand, and in a few days we spy'd a Fleet of above 150 Sail belonging to the English and Dutch; of which being well assur'd, we made haste to join our Fleet, and inform'd the Admiral, that the Ships we had discover'd were Merchant-men, and not Men of War: upon this News we tack'd about, and sailing before the Wind, for what Reason I know not, he was got above 20 Leagues out of the way. Next day our whole Squadron discover'd the Fleet of Merchant-Ships, which the Admiral order'd to be chas'd, but the Enemy took the Advantage of the Wind, which we lost the Night before by our working, and made off, so that we did them but very little harm. However, we took two of their Men of War of 60 Guns, and burnt 30 of their Merchant-Ships; which were run a-shore on the Coast of Portugal. I burnt three of 'em myself, and took a fourth, and this was all the Loss they suffer'd; and certainly 'twas happy for them that they escap'd so well, because had it not been for the false Step I just mention'd, their whole Fleet must have been taken or destroy'd.

Most of the Merchant-men that were taken or destroy'd, were such as belong'd to Neutral Nations; but the four great Turkey Ships that were left at Gibraltar, were English, and of as great Value as all the rest. These 4 Ships were got into that Bay, as were also several Danes, Dutch, &c. and a Squadron of French Men of War coming before the Place, the 20

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Conduct of the
Fleet censur'd.

Estimate for the
Navy.

The 17th, the Admirals who commanded the Summer before, attended the House, and Sir George Rooke being lame with the Gout, was set at the Bar in a Chair: Then all being examin'd, and afterwards withdrawn, the said Sir George was, for the present, dismiss'd on account of his Indisposition: And the Question being put, That upon Examination of the Miscarriages of the Fleet, this House is of Opinion, That there hath been a notorious and treacherous Mismanagement of the Fleet this Year; and an Amendment being propos'd to the Question, by leaving out the Word *treacherous*, the House divided, and it pass'd in the Affirmative, Yeas 140, Noes 103. The Words, *of the Fleet this Year*, were then changed to, *in that Affair*, and the Vote pass'd.

The 18th, an Estimate of the Charge of the Navy for the Year 1694, was presented to the House according to Order: An Abstract of which, is as follows:

Bombs among them; one of the first Bombs fell into one of those Turkey Ships, which so terrify'd the Commander of that and the Commanders of the other 3 English Ships, that they immediately sunk them; tho' it was thought the French might have shot 500 Bombs, and not one more have fallen into any one of them. Sir George Rooke's Conduct was alike brave and prudent; he dispos'd of his Ships to the best Advantage, and afterwards made the best of his way, with the Men of War and Merchant-men under his Charge to Ireland. This Misfortune lay heavy on the Hearts of the Merchants, and indeed upon the Minds of all the People of England; and therefore at the next meeting of Parliament, the first thing they did, was to enquire into the Miscarriages of the Fleet the last Summer, and after Enquiry, the Commons resolv'd, that there had been a notorious and treacherous Mismanagement in the Miscarriage of the Smyrna Fleet; but when the Admirals came in question, the Negative was put upon censuring them. Every body excus'd Sir Cloudesley Shovel, and many thought Sir Ralph Delaval very hearty in the Service, but had not the like Opinion of Admiral Killegrew. It appear'd afterwards, that one Anselm, a Secretary aboard the Fleet, held Intelligence with Crasby; a Letter from that Conspirator, dated May 5. 1694. being found upon Search, sign'd Philips, in which he said, I must needs see you before I go to France.

There being some flying Reports which gave Jealousies of Concealment in the Examination of the Admirals, the Privy-Council publish'd this Order, October 25. 'Whereas a Report has been rais'd and spread by Henry Killegrew Esq; Sir Ralph Delaval and Sir Cloudesley Shovel, Admirals of their Majesties Fleet, that the Right Honourable the Lord Viscount Falkland, one of the Lords of their Majesties most Honourable Privy-Council, did, upon reading a Paper at the Board, sisse something that was material to their Justification; the Lords of the Council having consider'd and examin'd into the Matter, are satisfied, and do declare, that the Report is false and scandalous: Although upon Examination it did also appear, that something happen'd which might mislead the Admirals into that Error. And it is order'd in Council, that this be printed in the Gazette.'

Mr. Oldmixon.

Wages

	l.	s.	d.	Anno 5 W. & M. 1693.
Wages, Victuals, Ordnance, Stores, Wear and Tear for 40,000 Seamen, at 4l. 5 s. per Man	2,210,000	00	00	
Freight, Victuals, Wages, &c. of 30 hired Tenders at 40l. each per <i>Mensem</i>	10,800	00	00	
Ditto, of 4 hired Hospital-Ships, at 300l. per <i>Mensem</i> , for 9 Months—	10,800	00	00	
Ditto for 4 hired Tenders for the Mediterranean Squadron—	2,080	00	00	
Ditto, for 1 hired Hospital-Ship, for the said Service—	3,900	00	00	
The Ordinary Estimate	85,740	00	00	
Charge of Officers for 2 Regiments of Marines	22,812	00	00	

Total l. 2,346,132 00 00

Abstract of Ships to be employed.

Rates	Number	Men.
1	6	4,615
2	9	5,760
3	44	19,260
4	19	4,225
5	8	1,080
6	6	360
Fire-Ships	26	1,170

Total 36,470

Remainder of the 40,000 Men, to be employ'd in Con-
voys, and Cruizers.

Resolv'd, That the Sum of 400,000l. be granted to their
Majesties, towards the Maintenance of the Fleet, for the
Year 1694. 400,000l.
voted for the
Navy.

Resolv'd, That whoever shall lend any Sum, not exceed-
ing 400,000l. upon the Credit of the Exchequer, in general,
towards the Maintenance of the Fleet, for the Year 1694,
this House will take care to see them repaid with Interest,
after the Rate of 7 l. per Cent. &c. To be rais'd on
Credit at 7 l.
per Cent.

Resolv'd, that this Manner of Proceeding shall not be
drawn into Precedent hereafter. Not to be a
Precedent.

The 22d, Mr. Hampden, Chancellor of the Exchequer,
according to Order, presented an Account to the House
of the Deficiency on the Million Contribution Bill, which
was

l. 118,506 5s. 10d.

And of the 300,000 l. to be raised

by a Review of the Quarterly Poll-

Bill, which was l. 2293,692 17s. 10d.

G g 2

The

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Seamen's Debt.

The 24th, An Account of the Wages due to Seamen, having been order'd to be brought in, a Motion was made to adjourn, but pass'd in the Negative, Yeas 64, Noes 100. After which, the said Account was presented by Lord Falkland, first Commissioner of the Admiralty, whereby it appear'd that the Public ow'd on that single Article only, 1,076,415 l.

The 25th, *Resolv'd, nem. con.* That the Sum of 500,000 l. be rais'd, towards the Discharging the Wages due to Seamen.

2,590,000 l.
voted for the
Navy.

That a farther Sum, not exceeding two Millions, be granted to their Majesties in full, for the Maintenance of the Fleet, including the Ordinary, by reason of the Revenues now falling short.

Proceedings on
the Miscarriages
of the Navy.

The 27th, the Question was debated, Whether there was sufficient Beer on board the Main-Fleet, when Sir George Rooke separated from it, to convoy the Merchant-Ships out of Danger of the Breſt Squadron; and these Words *and the Toulon Squadron*, being offer'd as an Amendment, it pass'd in the Negative, Yeas 165, Noes 191. A Motion was then made, That the Members of the House, who are Victuallers of the Navy do withdraw, and pass'd in the Negative, without a Division. The previous Question being then put, that the main Question, *viz.* Whether there was sufficient Beer, &c. be now put, it pass'd in the Affirmative, and then the said main Question being put, it pass'd in the Affirmative, Yeas 188, Noes 152.

And on the Bill
for frequent
Parliaments.

The 28th, the Bill for more frequent Elections of Parliaments, being read the third Time, an engross'd Clause was offered as a Rider, That, within Years after the Dissolution of this present Parliament, there shall be a Session of Parliament; which being read, and the Question put, for a second Reading, it pass'd in the Negative. After which, the Question being put, That the Bill do pass, it pass'd in the Negative, Yeas 136, Noes 146.

Farther Pro-
ceedings on the
Fleet.

The 29th, the Admirals Shovel, Delaval, and others, having been examin'd touching the Miscarriages of the Fleet, last Summer, and having withdrawn, the Question was put, That it doth appear to this House, that the Admirals, who commanded the Fleet last Summer, had (on the 11th of May last) Information that Part of the Breſt-Squadron was going out to Sea, it pass'd in the Negative, Yeas 161, Noes 170.

London-Peti-
tion, in Behalf
of the Orphans.

The 28th, the City of London presented a Petition, praying the Consideration of the House, in order to a Provision to be made for the Payment of the Debts due to the Orphans of the said City: Which was refer'd to a Committee of the whole House.

Dec.

Dec. 4th, An engross'd Bill touching free and impartial Elections in Parliament, was read the third Time and pass'd.

Bill for free and impartial Elections in Parliament, pass'd.

The 5th, Lord Ranelagh by his Majesty's Command, presented to the House a State of the War for the Year 1694, whereby it appear'd, that the Army was to consist of,				
	Horse,			
Companies.	Com. Officers.	Non-Com. Private-Men.	Together.	Pay, per An. Servants allow'd.
191	1,652	1,024	11,934	14,010
				1,755,804 19s. 5d. 1,255
			Dragoons,	
68	1,225	612	4,280	5,219
				184,960
			Foot,	
980	3,426	2,165	62,817	74,408
				1,280,632 12s. 5d. 5,022
			Total,	
	of Horse,	Foot, and Dragoons,		Servants included.
1,239	4,803	9,801	79,031	93,635
				2,220,411 11s. 10d. 5,848
Wanting for the Train				210,773 4s.
For Gen. Officers, Levy-Money, Transport, Hospitals, &c.				450,000 0 0
				Total 1,284,194 16s.

State of the War, for the Year 1694.

The 6th, A Bill for regulating Trials in Cases of High-Treason, A Bill to regulate Trials, &c.

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Farther Pro-
ceedings on the
Mistcarriages of
the Fleet.

The Examina-
tion of Mr.
Rainsford.

The same day, the House severally re-examin'd the Admirals Rooke, Killigrew, Delaval, and Shovel, on the Mistcarriages of the Fleet; and the Question being put, that the Admirals, who commanded the Fleet, last Summer, by not gaining such Intelligence as they might have done of the Breft Fleet, &c. are guilty of a high Breach of the Trust that was put in them, to the great Loss and Dishonour of the Nation; the House divided, and it pass'd in the Negative, Yeas 175, Noes 185.

The 7th, * Mr. Harley, from the Commissioners for taking the public Accounts, acquainted the House, with the Matter of the Examination of Mr. F. Rainsford, Receiver of the Rights and Perquisites of the Navy; which in Substance was as follows;

‘ That the said Rainsford, being examin’d upon Oath, as to his Accounts in general, did acknowledge, that the Account (deliver’d to the said Commissioners) did not contain all that he had received and paid within the Time of the said Account, but said it should be rectify’d in the next.

‘ That being examin’d, Whether the Balance, mention’d in his Account, was in his Hands, or what thereof he had paid either before or since, to any Member of either House of Parliament, he answer’d upon Oath, as follows:

‘ That being sent to, by the Lord Falkland, about the 8th of March last, to know how much Money he could advance as Receiver, for his Majesty’s Service, and enjoin’d to pay as much as he could, he engag’d to furnish 4000 l.

‘ That the 22d of the said Month, he received a Letter from Lord Falkland, of which the following is a Copy,

Mr. Rainsford,

March 22, 1692-3.

I Am directed by the King, to receive of you the Sum of 4000 l. for his Majesty’s Service, for which I have his Orders in Writing to deliver to you, upon the Receipt of the Bills, which I desire you will get for me against to-morrow Morning 8 o’clock, or sooner if you can, for I am to deliver those to him in the Morning. Pray let them be in eight Notes, upon Sir Francis Child, and Mr. Fowle; two for 1000 l. a-piece, payable to Randolph Keyne, the other two for 500 l. each, and four of 250 l. each, payable to Mr. John Thomas, Mr. Joseph Williams, and Mr. Jacob Thompson, two to each, or Bearer. Pray take no manner of Notice of this to any one, and endeavour to do it by the Time, for I shall stay within to expect you. I am,

Your Servant,

FALKLAND.

Resolv’d.

* Afterwards Earl of Oxford.

‘ That Mr. Rainsford added upon his Oath, That he believed this to be a true Copy, and that he had the Original in his Custody till Monday last; when being sent for by the Lord Falkland, about 5 or 6 o’clock in the Evening, he shew’d the Original to the said Lord, who kept it. Anno 5^W. & M.
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‘ That, in pursuance of the said Letter Mr. Rainsford attended his Lordship the 23^d, to acquaint him, that he could not bring Notes that day for the whole 4000l. Whereupon his Lordship order’d him to bring Notes for 2000l. and the rest within 14 Days.

‘ That the same day Mr. Rainsford brought six Notes from Mr. Fowle; two of 500l. each, and four for 250l. each, payable as before directed; but to which of the said Names the 250l. and 500l. Notes were apply’d, he had forgot; not having read Directions on that head.

‘ That, upon the Delivery of the said Notes, the Lord Falkland deliver’d to him the following Orders, sign’d by his Majesty and Clerk of the Signet.

‘ Our Will and Pleasure is, that you forthwith pay to the Lord Falkland the Sum of 4000l. out of the Moneys in your hands, arising out of the Perquisites of the Lord High Admiral of England, taking his Receipt for the same. Given under our Hand this present 22^d of March, 1692-3.

WILLIAM Rex.

To Francis Rainsford Esq; &c.

Copy of the Certificate.

‘ I have directed Mr. Rainsford to pay 4000l. out of the Moneys in his hands, arising out of the Perquisites of the Lord High-Admiral of England, for my immediate Service; which I will take care shall be made good to him again, or allow’d to him upon his Account.

WILLIAM Rex.

‘ That Mr. Rainsford being ask’d whose Hand-writing the Papers were of, answer’d he believ’d them to be Lord Falkland’s.

‘ And it being observ’d to him, that the Sums contain’d in each Note were written with different Ink, and so crouded that the Notes seem’d to be at first drawn with Blanks; Mr. Rainsford answer’d, that he believ’d the Reason thereof to be because his Lordship could not tell what Money he could advance, till he had inform’d him, as above.

‘ That Lord Falkland gave him a Receipt for 2000l.

‘ That, after 14 Days, on receiving a Message from Falkland, he waited upon him with a Note upon Mr. Fowles for 1000l. payable, as he supposes, to Randolph Keyne, or Bearer:

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Bearer: That about the 20th of April, he waited upon his Lordship with such another Note; upon which his Lordship took up his former Receipt, and gave another for the whole 4000*l.* which was produc'd.

Upon Examination of Thomas Wootton, it appears the said six Notes, making in all 2000*l.* were paid the said 23d of March, all to one Person; but to whom, it doth not appear by Mr. Fowle's Books.

And of the Lord
Viscount Falk-
land.

That, December 10, the Lord Viscount Falkland attended the Commissioners, and, upon Oath, did acknowledge the Receipts of the said Notes; but could not charge his Memory with the Names of those to whom they were payable.

That, by the King's Order, he did the same day deliver the said Notes to one who is no Member of either House, and of whom he hath a Receipt for the same.

That the other 2000*l.* is still in his hands, and that he hath attended his Majesty since his Return; who told him he had Directions for him therein.

After the said Report had been read, Lord Falkland was heard in his Place: After which he withdrew, and the Question being put, That the Lord Falkland for withdrawing the Letter to Mr. Rainsford, be committed to the Tower, it pass'd in the Negative. Yeas 137, Noes 175.

Resolved, That the Lord Falkland be call'd in, and reprimanded in his Place; and Mr. Speaker reprimanded him accordingly.

An Account of
the Confederate
Forces.

The 8th, the House having address'd his Majesty for the Treaties and Alliances between him and the Confederates, and an Account of the Proportion of Forces they are to furnish; Mr. Secretary Trenchard acquainted the House, by his Majesty's Command, That as to the Treaties they were the same with those formerly laid before the House, except one new Treaty with the Elector of Hanover, which lay on the Table; and that the Proportions of Forces were as follow, *viz.*

	Forces now on foot.	Raising.	Totals.
States-General	92540	15000	107540
Spanish Troops in the Low Countries, including Bavarian Cuirassiers	1500	7000	7000
Spanish in Spain	18000		18000
Emperor in Germany	6000		6000
Elector of Brandenburg, beside those in Hungary	18000	3000	21000
Elector Palatine	6000		6000
Elector of Triers	15000		15000
Elector of Cologne	6000		6000
			Elector

	Forces now on foot.	Raising.	Total.	Annos W. & M. 1693.
Elect ^r of Mentz	2000		2000	}
Elect ^r of Saxony	12000	2000	14000	
Elect ^r of Bavaria	8000		8000	
House of Lunenburg	23000		23000	
Under the { Germans, 15000 }	41000	4000	45000	
D. of Savoy { Spaniards, 12000 }				
in Piedmont { His own, 14000 }				
Circles of Suabia, Franconia	24000	4000	28000	
Landgrave of Hesse-Cassel	6000	2000	8000	
Bishop of Liege	6000		6000	
Bishop of Munster	2000		2000	
	292540	30000	322540	

The 9th, *Resolv'd*, That the Sum of 118506l. 5s. be rais'd, for supplying the Deficiency of certain Customs and Duties of Excise.

The same day, Mr. Foley, from the Commissioners for taking the public Accounts, presented to the House an Account of all Receipts, Issues and Profits of the public Revenue from Michaelmas 1692 to Michaelmas 1693; which was order'd to lie on the Table.

The same day, Mr. Harcourt, from the said Commissioners, presented to the House an Account of Moneys issued for secret Service, and to Members of Parliament, in Sub-
stance as follows:

' That the said Commissioners have, in every Year's general Account, deliver'd to this House the Sums issued for secret Service from the Exchequer, or elsewhere; and that they did formerly return an Account of Moneys to Members of Parliament by William Jephson Esq; deceas'd, as far as your Commissioners could have it discovered to them; They also desire Leave to put this House in mind, that they did in their preceding Accounts represent the great Endeavours they had used to obtain a full Account of those other Payments made by him to Members of Parliament; and did return in Writing the final Answer, which Mr. Robert Squib (who hath Mr. Jephson's Accounts) was order'd, as he said, to deliver to your Commissioners.

' Upon examining several Persons to whom Money has been issued for his Majesty's Privy Purse, or for secret Service, the Commons find divers Sums of Money paid to the Members of this House, in Re-payment of Principal, Interest-Money, Freight of Transport Ships, and also to return to Envoys abroad, or to Members deceas'd; which, if the House commands, shall be deliver'd to them in particular.

118506l. 5s.
voted for supplying a Deficiency.

An Account of the Receipts, Issues, and Profits of the Revenue, order'd to lie on the Table.

Report of Sums issued for secret Service, and paid to Members.

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1693.

The other Payments, since this Government, as far as your Commissioners have hitherto discover'd, are as follow, viz.

	l.	s.	d.
To Sir Charles Porter for his Equipage into Ireland	1000	0	0
To Sir John Trevor for Equipage and Allowance as Speaker	2405	0	0
To Sir Scroop How, a free Gift, out of Ar-rears of Hearth-Money	2000	0	0
To Sir Henry Fane, a free Gift, at twice, on being remov'd from being a Commissioner of Excise	1000	0	0
To Thomas Frankland Esq; on the like Account	800	0	0
To Sir Robert Howard, by verbal Direction of the King to Lord Ranelagh, <i>per Ann.</i>	1500	0	0
To Baptist May Esq; at nine several Payments express'd to be for purchasing Hay, free Gifts, Bounties in Discharge of Taxes, on Windsor-Park, &c.	3512	18	9½
To Tho. Papillon Esq; a free Gift, in Recom-pence of his quitting Trade to execute the Office of one of the Victuallers of the Navy, over and above his yearly Salary of 400l. at the Rate of 600l. <i>per Ann.</i>	750	0	0
To Sir Sam. Barnardiston, part of his Fine remaining in the Exchequer, November 5, 1688	500	0	0
To Col. Charles Godfrey, in part of the Ar-rears of a Rent-Charge, granted by the late Duke of York to Arabella Churchill, now Wife to the said Colonel	1500	0	0
More, on his Pension of 800l. <i>per Ann.</i>	800	0	0
More, as his Majesty's Grace and Bounty	400	0	0
To B. Granvill Esq; in Re-payment of Money stopt for Exchequer-Fees in receiv-ing his own Rent of Moor Park, lett to the Crown			0
To Sir Jos Herne, in consideration of Service done his Majesty in Ireland	200	0	0
To Sir John Guise, as his Majesty's Bounty in part of 7000l. he is to receive by Wood-falls out of the Forest of Deane	1000	0	0
To Shadrac Vincent Esq; a free Gift	1000	0	0

Order'd, That Mr. Robert Squib do attend this House.

The 10th, the House order'd a blasphemous Pamphlet, by way of Question and Answer concerning the Deity, to be burnt

burnt by the Hand of the common Hangman ; and, likewise Anno 5 W. & M.
order'd an Enquiry to be made after the Author, Printer and 1693.
Publisher thereof.

The same day Mr. Squib attending the House, according to order, and being examin'd concerning Mr. Jephson's Accounts, declar'd he would make up the said Accounts upon Oath, and would attend the Commissioners therewith, together with an Account upon Oath of what Moneys he had paid to Members of Parliament.

The 12th, *Resolved*, That towards the raising the Supply for the Fleet, any Person be at liberty to add a second Life to the Life that is or shall be nominated upon the voluntary Contribution-Act for raising a Million, towards carrying on the War, upon paying the Sum of 35 l. for every 100 l. paid in, or to be paid in upon the said Act; and for adding a third Life 15 l. for every said 100 l. and so for any greater Proportion.

Resolved, That a Bill be brought in upon the said Resolution, and upon the Resolution for raising 118506 l. 5 s. 10 d. for making good the Deficiencies of certain Rates and Duties of Excise.

The 16th, the Earl of Bellamont presented to the House Articles of Impeachment against Thomas Lord Coningsby, late one of the Lords Justices of Ireland; which were in Substante as follow : Earl of Bellamont impeaches Lord Coningsby.

1. That the said Lord Coningsby hath traitorously abus'd the Power and Authority of his Government, and exercis'd the same tyrannically, by discouraging and terrifying the Militia, and framing and imposing on them a new, arbitrary, and illegal Oath, contrary to the King's Instruction, &c. And ordering the Governours of Counties to subject the said Militia to Martial Laws, contrary to the known Laws of the Kingdom.

2. That the said Lord Coningsby did traitorously, &c. exact and force free Quarters for the Army; and did also by Force of Arms levy Money on the Protestant Subjects, &c.

3. That the said Lord caus'd a great Scarcity of Provision in the Army before Limerick, by obliging the Suttlers to take out Licences, and by laying Taxes on Beer and other Provisions sent to the Camp.

4. That the said Lord, assuming to himself a tyrannical and arbitrary Power over the Lives as well as the Properties of the People, did, in Council by Word of Mouth, order one Gafney to be hang'd without Trial, the Courts of Justice being then open, &c. and the said Gafney was immediately executed according to the said verbal Order.

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1693.

5. That the said Lord, by himself, or his Agent, did traitorously carry on a Trade with the Subjects of the French King.

6. That the said Lord did embezzle vast Quantities of their Majesties Stores and forfeited Estates, both real and personal.

7. And that the said Lord, during his whole Government, did favour and support the Papists in their Robberies and other Outrages, &c.

And Sir Charles
Porter.

The Earl of Bellamont then exhibited the like Articles against Sir Charles Porter, another of the late Lords Justices of Ireland.

And afterwards, upon a Hearing of the whole Affair, the House resolv'd, That the imposing the Oath mention'd in the first Article, was illegal : But, considering the State of Affairs in Ireland at that time, did not think fit to ground an Impeachment either on that or any of the subsequent Articles. Upon which the said Lord Coningsby and Sir Charles Porter were restor'd to their Places in the House.

Both acquitted.

Stockbridge E-
lection voted
corrupt and
void.

The 20th, a Report being made of the Merits of a disputed Election for the Borough of Stockbridge ; *Resolv'd*, That the said Election for the said Borough, was corrupt and void.

A Bill ordered
in to disfranchise
the said Bo-
rough.

That a Bill be brought in for disabling the said Borough to send Burgesses to serve in Parliament for the future.

The same day, the House came to the following Resolutions.

Resolutions with
regard to the
Land-Forces.

1. That the Number of Land-Forces be increas'd for the Service of the Year 1694.

2. That six new Regiments of English Horse be rais'd, of the same Numbers as the Queen's Regiment, to be commanded by Officers, who are their Majesties natural-born Subjects.

3. That four new English Regiments of Dragoons be rais'd of the same Numbers as the Royal Regiment, to be commanded as above.

4. That there be 15 new Regiments of Foot rais'd, each of the same Number as Colonel Selwin's Regiment, to be commanded as above.

5. That 83121 Men, including Commission and Non-Commission Officers, are necessary for the Service of the Year 1694, to be employ'd in England and beyond the Seas.

6. That 210773 l. 4 s. 5 d. be allow'd for the extraordinary Charge of the Office of Ordnance, in relation to the Land-Forces for the Year 1694.

7. That a Sum not exceeding 310581. 8 s. 6 d. be allowed for the Pay of the General Officers.

8. That

8. That a Sum not exceeding 100160*l.* be allow'd for *Amo. 5th Dec. 1693.*
 Levy-Money.

9. That 40808*l.* be allow'd for Transports.

10. That 1,990,781*l.* 16*s.* 10*d.* be allow'd for the Pay of the Horse, Dragoons and Foot, for the Year 1694.

And the Question being put, That 60,000*l.* be allow'd for Hospitals and Contingencies, it pass'd in the Negative, Yeas 120, Noes 184.

The 21st, the House proceeded to take into consideration certain Amendments made by the Lords to the Bill touching free and impartial Proceedings in Parliament, and the Question being put to agree to the said Amendments, it pass'd in the Negative; and a Committee was appointed to prepare Reasons to be offer'd at a Conference with the Lords upon the same. *Lord's Amend-
ments to the
Bill for free and
impartial Pro-
ceedings in Par-
liament rejected.*

The same day the House came to the following Resolu- *Resolutions with
respect to the
Navy.*
 tions, That the Sum of 2,500,000*l.* be granted to their Majesties for the Maintenance of the Fleet; of which 1,000,000*l.* to be charg'd upon Land.

That towards raising the said Supply, a Duty of 3*d.* per Gallon be laid upon all foreign Salt.

That towards raising the said Supply, a Duty of 1½*d.* per Gallon be laid on all English Salt; so be paid at the Salt-Works by the Master thereof.

Order'd, That a Bill be brought in upon the said Resolutions.

That a Clause be added to the said Bill for settling the Price of Salt.

That another Clause be added to discharge all English Salt exported, from the said Duty.

The 22^d, *Resolved*, That a Sum not exceeding 147000*l.* be allow'd for Hospitals and Contingencies, and other extraordinary Charges for the Service of the Year 1694.

The same day, an Answer of the Commissioners of the Treasury to the Reply of the Commissioners for stating the public Accounts was presented to the House, and order'd to lie upon the Table.

The engrossed Bill from the Lords, for the frequent calling and meeting of Parliaments being read the third time, the Question was put, that the last Clause in the Bill, *viz.* That a Parliament shall be understood to be holden, altho' no Act or Judgment shall pass within the time of their Assembly, be left out of the said Bill; it pass'd in the Negative, Yeas 131, Noes 222.

The Question being then put, That the Bill do pass, it pass'd in the Negative, Yeas 172, Noes 197. *The Bill for
frequent calling
and meeting of
Parliaments re-
jected.*

Resolved, That the Bill be rejected.

The

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4 s. in the pound
charg'd upon
Land for the
first time.

Reasons to be
offer'd at a Con-
ference on the
Bill for free and
impartial Pro-
ceedings in Par-
liament.

The said Bill
pass'd by the
Lords.

Capt. Pickard
order'd to be
prosecuted for
plundering a
Prize.

A Bill to ap-
propriate the Ir-
ish forfeited Es-
tates to the use
of the War.

Report of a
Conference be-
tween both
Houses, relating
to the Conduct
of the Fleet.

The 26th, *Resolv'd*, That, towards the Supply, a farther Sum of 1,000,000 l. be charg'd upon Lands; and the 29th the said Land-Tax was fix'd at 4 s. in the Pound, (for the first time.)

Jan. 5. The following Reasons to be offer'd at a Conference with the Lords, for rejecting their Amendments to the Bill touching free and impartial Proceedings in Parliament, were read and agreed to by the House, *viz.*

'That the leaving out the last Proviso, with part of the Clause preceding, and supplying the whole with Words that have no relation to the said Proviso, is not generally practis'd in Cases of Amendment.

'That the Speaker of the House of Commons, being frequently a Person eminent in the Law, is by his constant Attendance in that Chair hindred from his Practice in the Courts below; so that if he be made incapable of other Office or Employment, the Commons in the Choice of their Speaker will prejudice the Person they design for that Employ.'

The said Reasons, together with the Bill, were then left with the Lords; and the same day the Lords declar'd by Message, That they did not insist on their Amendments, but had agreed to the said Bill.

The 11th, the Commissioners for stating the public Accounts deliver'd in a Report, whereby it appear'd, that a French Prize taken by their Majesties Ship the Monmouth, Capt. P. Pickard Commander, had been designedly plunder'd and deserted by the said Captain; and Mr. Attorney-General was order'd to prosecute him for the same.

The 12th, a Report having been presented to the House relating to the forfeited Estates in Ireland;

Order'd, That a Bill be brought in to vest the said forfeited Estates in their Majesties, to be apply'd to the Use of the War.

The 16th, a Conference having been desir'd by the Lords, Col. Granville reported from the Committee appointed to attend it, that the Duke of Bolton manag'd for the Lords, and acquainted them: That the Lords having had laid before them by the Earl of Nottingham an Extract of a Letter dated from Paris June 1, N. S. receiv'd May 30. O. S. 1693. as follows:

'There are 68 Ships, in which there are 30118 Men, and 4876 Guns.

'We have news since that this Fleet was sail'd, and was out of sight.'

And whereas upon an Address to the King, that such Lords as are of the Privy-Council, may have Permission from his Majesty to acquaint the House when the Intelligence

ligence of the French Fleet's sailing from Breſt was communicated to the Admirals of the Fleet : Anno 5 W & M.
1694.

Whereupon ſeveral of thoſe Lords inform'd the Houſe that the ſaid Letter was laid before the Committee of the Council, and that it was taken for granted, that the Intelligence therein was ſent to the Admirals of the Fleet ; but it not appearing clearly, whether it was ſo communicated or not, their Lordſhips deſire of this Houſe to enquire by the moſt proper Methods, of the Members of this Houſe, who are of the Privy-Council, whether this Intelligence of the French Fleet's being ſail'd out of Breſt, was communicated to the ſaid Admirals, and when it was ſo communicated.

Accordingly, the 19th, an humble Addreſs was voted, Reſolution that his Majeſty would be pleaſed to command that a Copy thereof of the ſaid Letter may be laid before the Houſe ; and likewise that his Majeſty would permit ſuch Members of this Houſe as are of the Privy Council, to acquaint the Houſe what Intelligence was receiv'd of the French Fleet's ſailing from Breſt, and whether and when the ſaid Intelligence was communicated to the ſaid Admirals.

The ſame day, the Report being made from the Committee appointed to examine and conſider the ſeveral Petitions againſt the Eaſt-India Company ;

Reſolved, That all the Subjects of England have equal Vote on the R. right to trade to the Eaſt-Indies, unleſs prohibited by Act India Trade. of Parliament.

The 22d, to the end that all the Debates in this Houſe ſhall be grave and orderly, as becomes ſo great an Aſſembly ; and that all Interruption ſhould be prevented by it :

Order'd and declar'd, That no Member of this Houſe do Order for ob- preſume to make any noiſe or diſturbance, while any Mem- ſerving decorum ber ſhall be orderly debating, or while any Bill, Order, in the Houſe. or other Matter ſhall be in reading, or opening : and in caſe of ſuch Noiſe or Diſturbance, that Mr. Speaker do call upon the Member by Name making ſuch diſturbance, and that every ſuch Perſon ſhall incur the Diſpleaſure of this Houſe.

The ſame day, the Land-Tax Bill was paſſ'd.

The Land-Tax Bill paſſ'd.

The 25th, the Lords paſſ'd the ſaid Bill, with Amendments ; which, being only ſuch as corrected certain Miſtakes made by the Clerks in engroſſing it, were agreed to by the Houſe, with an expreſs Order that the ſaid Amendments be particularly enter'd into the Journals of the Houſe, to the end that the Nature of the ſaid Amendments may appear.

The ſame day, the King gave the Royal Aſſent to the Royal Aſſent Land-Tax Bill. *An Act to repeal ſuch Parts of ſeveral former Bills given to ſeveral Acts, as prevent or prohibit the Importation of foreign Brandy, &c. except from France. An Act for repealing an Act by which Juſtices in Wales were limited to eight in each County. An Act for Importation of fine Italian, Sicilian, and Naples thrown Silk.* The

June 6th. A.M.
1694.

Resolutions on
the State of
the Kingdom.

The 26th, the House, according to Order, enter'd into a grand Committee on the State of the Kingdom; when the following Resolutions were prepared, and afterwards agreed to by the House, viz.

Resolved, That whoever advis'd the King not to give the Royal Assent to the *Act touching free and impartial Proceedings in Parliament*; which was to redress a Grievance, and take off a Scandal upon the Proceedings of the Commons in Parliament; is an Enemy to their Majesties, and the Kingdom.

That a Representation be made to his Majesty, humbly to lay before him, how few the Instances have been in former Reigns, of denying the Royal Assent, to Bills for Redress of Grievances; and the great Grief of the Commons, for his not having given the Royal Assent to several public Bills, as particularly to the Bill above-mentioned, which tends so much to the clearing the Reputation of this House, after their having so freely voted to supply the public Occasions: And a Committee being appointed to draw up the said Representation, it was the next Day reported to the House, when the two first Paragraphs being exactly conformable to the Vote, were agreed to, but the third was rejected.

A Representa-
tion to the
King, thereon.

The said rejected Paragraph, ran thus:

A Paragraph
rejected.

' We beg, Sir, you will be pleas'd to consider us as answerable to those we represent, and it is from your Goodness, we must expect Arguments to soften to them, in some measure, the necessary Hardships they are forc'd to undergo in this present Conjunction; and therefore, humbly beseech your Majesty, for the removing all Jealousies from your People, (without which the Parliament will be unable to serve your Majesty, or to support the Government) to be pleas'd to follow the Course of the best of your Predecessors, and direct some Expedient, whereby your Majesty, your Parliament and People, may reap the Fruit design'd by that Bill, to which, your Majesty, by ill Advice, was pleas'd so lately to deny the Royal Assent.'

That inserted
in its stead.

Instead of which, the following Paragraph was agreed to.

' Upon these Considerations, we humbly beseech your Majesty to believe, that none can have so great a Concern, and Interest in the Prosperity and Happiness of your Majesty and your Government, as your two Houses of Parliament; and do therefore humbly pray, That, for the future, you would be graciously pleas'd to hearken to the Advice of your Parliament, and not to the secret Advices of particular Persons, who may have private Interests of their own, separate from the true Interest of your Majesty and your People.'

This Address was presented by the whole House, when the King was pleas'd to reply;

' Gentle-

Gentlemen, I will consider of your Representation, and give you a speedy Answer, and desire you to meet me here on Wednesday Morning at 10 o'clock.

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1694.

The King's
first Answer.

Accordingly the House then waited upon his Majesty, when he was pleas'd to speak to them, as follows;

Gentlemen,

I am very sensible of the good Offices you have express'd to me, upon many Occasions; and the Zeal you have shewn for our Common-Interest: I shall make use of this Opportunity, to tell you that no Prince ever had a higher Esteem for the Constitution of the English Government than myself, and that I shall ever have a great Regard, for the Advice of Parliament.

His second
Answer.

I am persuaded, that nothing can so much conduce to the Happiness and Welfare of this Kingdom, as an entire Confidence between the King and People, which I shall by all Means, endeavour to preserve: And, I assure you, I shall look upon such Persons as my Enemies, who shall advise any thing that may lessen it.

Feb. 1. The House, according to Order, proceeded to take into Consideration the said Answer, and the Question being put, That an humble Application be made to his Majesty, for a farther Answer, it pass'd in the Negative, Yeas 88, Noes 229.

Motion for a
second Application
over-ruled.

The 6th, the House agreed with the Resolutions of the Committee on Ways and Means,

Resolutions on
Ways and
Means.

That towards the Maintenance of the Fleet, and Army for the Year 1694, a Fund of 140,000*l.* *per Ann.* be rais'd, and vested in their Majesties for the Term of 16 Years, for recompensing such Persons, as shall advance 1,000,000*l.*

That the Impositions, lately resolv'd, to be laid on Salt, be Part of the said Fund.

That for the farther answering, and securing the said Fund, one Moiety of the Duties of Excise, granted to their Majesties, in the second Year of their Reign, be granted and continued to their Majesties, after the Monies charg'd upon the said Duties be satisfy'd.

The 7th, Two Petitions, in behalf of the Borough of Stockbridge, for the disfranchising of which, a Bill was depending in the House, on account of their corrupt Proceeding on Elections, were presented to the House, read, and rejected.

Two Petitions
of the Borough
of Stockbridge,
rejected.

The 8th, the Lords at a Conference for maintaining a good Correspondence between the two Houses, re-capitulated, what they had propos'd to the Commons, January 16. (Vid. P. 430.) And added as follows: 'Upon which their Lordships

Tom II.

I ii

hoped

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1694

Royal Assent
given to certain
Acts.

Lord Falkland's
Examination.

hoped, That some farther Information might be had, by those that are of the Privy-Council, in this House, in order to the Discovery of the Causes of some of the Miscarriages in the last Summer's Expedition at Sea: But their Lordships not having yet heard any Thing from this House, concerning this Matter, thought fit, at this Conference, to remind them of it, as a Business the Lords conceive to be of great Consequence, and fit to be enquir'd into.

The same day, the King gave the Royal Assent to *An Act to supply the Deficiencies of the Money rais'd by a former Act, to secure certain Recompences to such as should advance 1,000,000 l. towards carrying on the War against France: An Act to prevent Disputes and Controversies concerning Royal Mines: And a private Act.*

The 9th, Mr. Harley, according to Order, presented to the House, from the Commissioners for stating the public Accounts, the Information given upon Oath, by the Lord Viscount Falkland, and also an Account of the Pensions, Salaries, and Sums of Money paid, or payable to Members. Both which are, in Substance, as follow:

Question, Your Lordship named four Persons in your Letter to Mr. Rainsford; where do they live, that they may be sent for?

Answer, All, but Randolph Keyne, are fictitious Names.

Quest. Why were those Names used, if the Money was for his Majesty's particular Use?

Ans. His Lordship knew no Reason, nor that any Money was to be paid to Keyne, till he went to Kensington.

Quest. Had your Lordship any Direction to have 8 Notes, as you require in your Letter to Rainsford?

Ans. No: But his Lordship having ask'd the King, Whether he would have one Bill, or several, his Majesty answering several, he doth not recollect any Reason for requiring such Notes, but did it by his own Fancy.

Quest. By what Order of his Majesty, did your Lordship allow 14 Days, for the Payment of the last 2000 l?

Ans. None: He had directed Mr. Rainsford to get it as soon as he could; and then acquainted the King with what he had done, who approv'd thereof.

His Lordship added, That notwithstanding what Mr. Rainsford had said, upon his Lordship's giving an Acquittance for the Whole, (which was March 28) he had given his Lordship his own Note for the remaining 2000 l. which he afterwards delivered up, on the receipt of Mr. Fowles's Note.

Quest. Where is your Lordship's Order to deliver the Notes, or pay the first 2000 l. to any Person?

In

In *Answer*, his Lordship produced two Papers, which he acknowledged to be written by his own Hand; the Contents of which, were as follow:

Anno 5 W. & M.
1694.

March 23d, 1692-3.

You are hereby directed to pay to Mr. Randolph Keyne, the Sum of two thousand Pounds, which I order'd to be paid into your Hands, for my immediate Service, taking his Receipt for the same.

To Anthony, Viscount Falkland.

W. R.

March 23d, 1692-3.

Received then of the Lord Falkland, by his Majesty's Direction, and for his Majesty's Service, the Sum of two thousand Pounds.

Randolph Keyne.

Quest. At what Time, since his Majesty's Return, did your Lordship acquaint the King, that you had the remaining 2000l. in your Hands?

Ans. His Lordship did not remember.

Quest. Was it before Mr. Rainsford was sent for by the House of Commons, or since?

Ans. His Lordship could not be positive, but it was within ten Days of this Time. But, that, he had before desired a Time to speak to his Majesty; when he did intend to mention this Matter.

Quest. We desire to know, if your Lordship advis'd or spoke to any Member of Parliament, to beg or procure this Money, or any Part thereof; or to join with your Lordship therein; and to what Member?

Ans. To no Member, that did any thing therein. His Lordship did propose to the Speaker, some time since, to join with him in begging it; but doth not remember he did propose it to any other Member.

Quest. What Time did your Lordship propose it to the Speaker?

Ans. It was while the Parliament was sitting, before his Lordship knew the certain Sum in Rainsford's Hands.

Quest. Did the King, when your Lordship deliver'd the Notes for the first 2000l. declare, or promise your Lordship should have the other 2000l?

Ans. I cannot say it.

Quest. Did your Lordship expect the Money for your own Use?

Ans. I have deserv'd more than that from this Government; having been a great Loser, since the Revolution, and serv'd it faithfully.

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1694.

The House having ordered Mr. Robert Squib to return an Account to the Commissioners, of all Moneys paid by William Jephson Esq; to Members of Parliament; the said Squib did give the following Account upon Oath, as far as he could collect from Jephson's Papers, above and over what the Commissioners have already laid before the House.

[The said Commissioners, upon strict Examinations upon Oath, have found divers Payments, made to Members, which do not appear to be upon extraordinary Occasions, and which, therefore, are not here exhibited: viz. such as are for the ordinary Service of their Offices: or in Consideration of Estates purchas'd, or where their Names are used for other Persons, or for Rent payable from the Crown for Lands by Contract made many Years since, or in Repayment of Money lent, or Interest for the same, or to be return'd beyond Sea, or Charity-Money to French Protestants, or to such as were Members of the late Convention, but are not Members of this Parliament, or are now deceased.]

Mr. Robert
Squib's Account
of Moneys, &c.
paid to Mem-
bers.

To Colonel Charles Godfrey, upon his Annuity of 1000 l. <i>per Ann.</i> by quarterly Payments, from May 24, 1689, to June 5, 1691	l. s. d.
	2799 14 6
July 2, 1690, to Tho. Papillon Esq; Free-Gift, and Royal-Bounty	150 0 0
To Sir Richard Onslow, for his Majesty's immediate Service; and, as he depos'd, neither directly, or indirectly for his own Use, or that of any other Member	1000 0 0
Paid by the Cofferer of the Household, To Thomas Bickerstaff Esq; for a Stipend of 30 l. <i>per Ann.</i> for 3 Years, &c. half ending at Michaelmas, 1693	105 0 0
To Sir Stephen Fox, on a Pension of 120 l. <i>per Ann.</i> said to be purchas'd of Mr. Hamilton, in 1665, for a valuable Consideration, for 2 Years and a half	300 0 0

Grants of Money and Land by Privy-Seal.

May 1689, A Grant and Demise, to pass the Great Seal, to Thomas Preston Esq; of the Scite of the dissolv'd Monastery, Rectory, Messuage, &c. in Furnis and other Lands, in the County of Lancaster, whereof Sir Thomas Preston was seiz'd, &c.

Memorandum, Mr. Preston, is the Heir Male of the said Sir Thomas, who, on his refusing to change his Religion,

gion, settled it to superstitious Uses; and Mr. Preston was himself at the Charge of vesting it in the Crown; and the House of Commons have formerly agreed to a Proviso, for confirming the said Grant.

Annos 5th. & 11.
1694.

December 1691, To John Dutton Colt Esq; 1254 l. 1s. 9d. Part of 2508 l. 3 s. 8 d. (due upon Composition from several Persons at Bristol, for Duties on Tobacco, and recover'd on Information,) for his good Services therein.

Dec. 1693, To Samuel Reynold Esq; and his Heirs the Mannor, or reputed Mannor of Cowhorn, in the County of Hereford, with its Appurtenances, escheated to the Crown.

April 1693, To Richard, Lord Colchester, a Grant of Walwood in the Forest of Waltham, with the Appurtenances, for 99 Years, under the Yearly Rent of 6 s. 8 d.

April 1693, To Henry Herbert Esq; 2181 l. 4s. 6d. $\frac{1}{2}$ and all other Moneys, due from Denis Lloydé Esq; one of their Majesties Receivers-General in Wales; likewise 324 l. 3s. 4d. and all other Sums due from John Nash Esq; another of the said Receivers, for the Year, ending at Michaelmas 1688.

Mem. Mr. Herbert inform'd the Commissioners, he received no Benefit from the said Grant, by reason other Persons had Claims on the said Arrearages.

Dec. 1693, To Edward Ruffel Esq; Admiral of the Fleet, in Consideration of his many faithful Services, especially destroying a considerable Part of the French Fleet, in 1692, a Grant of the Residue of 20,000 l. to arise from the Fall of Haste in the Forest of Dean, after such Payments are made, as are already charg'd upon it.

Mem. It doth appear to the Commissioners, That above 10,000 l. hath been already dispos'd of, out of the said 20,000 l. viz. To Sir John Guise 7,000 l. as before-mentioned, 500 l. to Daniel Osborne Esq; to repair the Town of Heydon, and 2500 l. for secret Service, to Mr. Guy.

The 10th, Mr. Secretary Trenchard, according to Order, presented to the House, an Account in writing, of the Letter and Intelligence, mention'd in the Report of the Conference with the Lords, on *Thursday* last, (Vid. P. 433.) viz.

That he believes the Earl of Nottingham did, on May 31, bring to a Committee of Council, a Letter from Paris, dated June 1, N. S. and received May 30, O. S. an Extract of which, the Lords communicated to this House: But he does not remember the Letter was publicly read at the Committee, tho' several of the Lords might read it singly: But, that it remain'd in the hands of the Earl of Nottingham, there being no Resolution taken at the said Council, that the said Letter should be communicated to the Admirals of the Fleet. That, to the best of his Remembrance, a List of the

Mr. Secretary
Trenchard's
Account of the
French Letter
of Intelligence,
&c. mention'd
at the Conference
of both
Houses.

Anno 5W.&M.
1694.

the French Fleet, being Part of the said Letter, was, the same Day, sent to him by the Earl of Nottingham, a Copy of which List, he sent to the Admirals, as does appear, by comparing it with the Papers, deliver'd by them into this House.

That the same Day, there came a Letter from Scilly, dated May 7, with Advice that the French Fleet was seen off that Island; which Letter being publicly read at the Committee, a Copy thereof, together with the before-mention'd List, was immediately, by two Expresses, sent to the Admirals of the Fleet, and were received by them.

Resolv'd, That the same be communicated to the Lords at a Conference; which was done accordingly: But it does not appear that it was attended with any extraordinary Consequences.

The Lord Falkland censured.

The 17th, The House *Resolv'd*, That the Lord Falkland, a Member of that House, by begging and receiving two thousand Pounds from his Majesty, contrary to the ordinary Method of issuing and bestowing the King's Money, was guilty of a high Misdemeanor and Breach of Trust, and that he should be committed to the Tower, during the Pleasure of the House. He was, two days after, discharg'd upon Petition.

During this Session, a Bill was brought in for *naturalizing all Protestant Foreigners*; but was vigorously oppos'd, especially by Sir John Knight, who spoke against it, as follows:

Sir John Knight's Speech, against the Bill for naturalizing Protestant Foreigners.

' Mr. Speaker, I have heard of a Ship in a violent Storm, in danger of perishing every Moment; [it was not such a sham Storm as we were lately entertained with in the Gazette, which deceives the People, by affirming that many Ships going for France, laden with Corn, were cast away; tho' those Ships, and many more are since safely arrived in France; but it was such a real Storm, as on the 7th of the last Month destroyed on the Coast of Cornwall, upwards of 70 Sail of our English Ships, most of which were laden with Corn, and several Sorts of Provisions, for the Use of our Dutch Allies, to enable them to live cheap, by making the same dear at Home; perhaps some was for the Support of our half-starv'd and unpaid English Soldiers now in Flanders; when perished likewise more than 700 Sailors, who have left a great many Widows, Children, and poor Relations, to curse our Conduct at Sea, the cause of this Calamity.] In such a dreadful Storm it was [that the foresaid Ship was in] when the good Commander seeing the Danger, and apprehending Death, desired his Crew to assist with Resolution, and preserve themselves and the Ship, which the Sailors refusing to do, he retired to his Cabin, humbled himself in Prayer, and implored the Powers, that alone can save in time

time of Need ; that tho' the Ship and the Company might be justly swallowed up, for the Disobedience of the Sailors, yet that he, and his Cabin might suffer no Damage.

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“ Sir, I cannot, as that good Commander did, be so vain as to hope, that either myself, or the Place for which I serve, can be preserved from the general Inundation, which this Bill we are now debating lets in, on the Liberties of my native Country and Country-men ; and therefore be unconcerned for the Good of England, provided Bristol were safe : To hope for and expect Happiness in Life, when all Mankind but myself are dead, would not be more deceiving, than to propose Comfort and Security to myself and Corporation, when Strangers are admitted to possess and enjoy, by a Law, all that's valuable in the Kingdom ; for this Bill doth enfranchise all Strangers that will swear and protest against Popery, with the Liberties of every English Man, after the vast Expence of Treasure and English Blood, it hath cost this Kingdom in all Times and Ages of our Fore-fathers, to secure them to themselves, and their Posterity.

“ Wherefore, Mr. Speaker, I must beg Pardon, if at this Time I cannot sit silent, but express a zealous Concern, as well for the Kingdom in general, as for the Place I represent in particular ; and I am more moved thereunto, whilst I see so many Members sent here by their Country, for the Conservation of the English Mens Liberties, so warm as to part with all to Strangers with one Vote.

“ The Argument of the honourable Person near me, to render all the Care of our Fore-fathers of no Esteem amongst us, who are, or ought to be the Representatives of the Kingdom, was to prove, that this Age and Generation are Wiser (he did not say Honefter) than the former.

“ I remember a West-country-man, many Years past, undertook to prove the same to me, and my Company beyond Sea, by declaring his Father was a Fool to him : I yielded him that Point, by concluding both to be such, and yet our Fore-fathers might be Wise Men ; I shall not at this time question the Wisdom of those who promote the Bill, or their Fathers. For myself, I declare in Behalf of the Wisdom and Honesty of our Predecessors ; nor can I assent to the yielding up of the Liberties and Laws they derived unto us, only because some Gentlemen think better of themselves (and perhaps mistakenly) than of their Parents.

“ Sir, I was early instructed in a Principle of Deference to the Wisdom of our Ancestors ; and, at this Time, I tremble, when I reflect on the Correction given me by my Master, that I might not forget, but imitate and defend in all Times this Rule : Let them only be accounted Good, Just, and

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and wise Men, who regard and defend the Statutes, Laws, Ordinances and Liberties, which their Fore-fathers Wisdom and Experience obtained for themselves and Posterity. Now it is my opinion, Mr. Speaker, that if those Gentlemen who approve of this Bill, had not only been taught that Rule, but as well corrected as my self, they would be of my Judgment; and I wish that they who depart from that Rule, and sacrifice our English Liberties, to a Number of mercenary Foreigners, may not meet with a much more rigorous and exemplary Chastisement, from their enraged and ruined Countrymen.

The Arguments used for the Bill, are in substance these: First, A want of Purchasers for our Lands. Secondly, Of Merchants. Thirdly, Manufacturers, who can work cheaper than the English. Fourthly, Husbandmen to till the Ground.

To all these I shall return short Answers; but if I debate not on them with that Advantage and Reason as our Land-Admirals can (no doubt) with great Ingenuity on Sea-Politics, I hope the House will pardon me; for my Observations never cost the Kingdom such Expence of Money at home, and Losses at Sea, as hath the Experience of those honourable Persons in Sea-Affairs.

First, It's argued by some, that we want Purchasers for the Lands; this is a melancholy Consideration: I therefore desire those Gentlemen who approve of this Bill, to tell me what it is hath brought us to this Condition, that the Landed Men of England are reduc'd to so low an Ebb, that they must sell, and none are left able to buy, unless Foreigners are naturalized? Doth this prove our Fore-fathers wanted Understanding? Or, doth it not rather conclude it's occasioned by our want of it, and by our not following their Examples, who never taxed their Country to the ruin both of themselves and their Posterity? Nor did they expend the Money of the Kingdom on such Allies as ours: who, as we have been informed by some of the Privy-Council, are not in our Interest, and will spare us none of their Men for our Pay, without great Pensions likewise for themselves. Can any Man hope to persuade me that our Fore-fathers would have brought foreign Soldiers into England, and pay them, and naturalize them likewise, and at the same time send the English Soldiers abroad, to fight in a strange Land without their Pay?

Let us abate our Taxes, and after the wise Precedent of our Fathers, pay our own Sea-men and Soldiers at home, and send the Foreigners back. Then the Money will be found circulating at home, in such Englishmen's hands, who may buy the Lands that are to be sold, without naturalizing Strangers.

Secondly,

‘ Secondly, It’s said we want more Merchants: Whom Anno 6 W. & M.
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may we thank for bringing so many to Poverty? But I shall

forbear grating, and desire the liberty to consider in short how the Trade of England hath hitherto been carried on. Gentlemen have placed their younger Children to Merchants; their Masters observing their Honesty and Diligence, when they have gained some Experience in the necessary Parts of Trade, generally send them abroad to Turkey, all Parts of the Levant, to Spain, Portugal, the East and West-Indies; and all Parts where England holds any considerable Commerce; there the young Men are employed by, and entrusted with the Stocks and Estates of their Masters and Friends, whereby all Parties, both the Principals at home, and the Factors abroad, are advantaged, and England enriched, (for there in the end all centers:) and, at last, when they are satiated with Gain, they return to their native Soil, their Friends and Relations, for Ease and Enjoyment, making room for a younger Generation to succeed in their profitable Employments. Thus hitherto this Kingdom hath advanced in Riches, whilst Foreigners could not with Success plant their Factories on us, through the Advantage we had by our Laws; let us but turn the Tables, and consider the Consequence: Suppose we pass this Bill, and the Dutch (who no doubt will take the Oaths as this Bill directs, and protest against Popery and Paganism, and, on occasion, Christianity too, as at Japan) send their Servants and Factors hither, and we naturalize them, and let the Capital Stock, which gets an Employ to these new-made Englishmen, belong to their Masters and Friends, who never did, or ever will live amongst us; will it not then follow, that the Profit will be their’s and not England’s, and will not the new-made English (yet Dutch-Men still) return to their Country and Friends with their Gain, as our People hitherto have done? We may observe by our Inland Trade, that it’s seldom they who make the Manufactories, gain Estates, but those who employ their Stocks in buying and selling what others make; and it’s the same with the Merchants, those that export and import are the Gainers; the first Maker very seldom, the Consumer never.

‘ The Conclusion then of this Experiment must be this: That what hath hitherto been Gain to England by English Merchants and Factors, will be turned to a Foreign Land, by the Foreign Merchants being naturalized for their own not England’s.

‘ But this is not all, for at once the Art of Navigation will be rendered useless. Whence then will be a Nursery for Seamen? For foreign Merchants will naturalize foreign Seamen; and when the Press-Masters find them,

Anno 6W. & M. 1694. they will *Dutchen spraken, ja min Heer*, and avoid the Service; but at the Custom-House, Exchange, and in all Corporations, they will be found as good Englishmen as any of this House. From whence it followeth, that Trade will be only carried on by Foreign Merchants and Seamen, and the English Seamen condemned to our Men of War, and perhaps live there, as hitherto, without their Pay, till another Million be owing them for Wages; and in the *interim* have this only Consolation and Reward for Service done, and to be done, that their Wives and Children may be subsisted with the Alms of the Parish, whilst Foreign Soldiers are maintained at home and abroad with their Pay.

‘ A third Argument for admitting Foreigners, is upon a supposed Want we have of Manufacturers, especially such as will work cheaper than the English: In my opinion this Reasoning is extraordinary, and ought not to take air out of the House, lest the old English Spirit should exert it self in defence of its Liberties; for at this time, when all Provisions are become excessive dear by the great Quantities exported to Holland, which puts the poor English Manufacturers on starving in most parts of England, for want of a full Employ to enable them to support their Families, by their honest and painful Labour and Industry, shall an English Parliament let in Strangers to under-sell our Country, which they may easily do, whilst they live in Garrets, pay no Taxes, and are bound to no Duty? How shall we answer this to our Country who sent us here? When, by so doing, instead of making the Kingdom more populous, we provide only for the Subsistence of Foreigners, and put our Countrymen to the choice of starving at home, or to turn Soldiers, and be sent to Flanders, and starve there for want of their Pay? For it’s well known, that, at this time, more Commodities are made in England than can be consumed, abroad or at home, which makes the poor Manufacturers so miserable. All Country Gentlemen within this House have for several Sessions laboured, what they could, to raise the Price of the Provisions which their Lands produce, and some think it not great enough yet, and they would despise that Man, who should endeavour to lower the Rates, by proposing a free Importation of Irish Cattle and Corn, tho’ he had no other design, than that charitable and necessary one of relieving the Poor; and yet these very Gentlemen are for this Bill, because they would have the Labour of the Poor brought to a lower Advantage: In my opinion this is a very unequal way of reasoning, that whilst we raise the Price of the Product of the Land, for the Gentlemen to live in greater State, at the same time our Consults are how to make the half starved Manufacturers, that live by their daily Labour,

bour, more and more miserable. What opinion will the common People of England have of this House, and the Gentlemen of the Kingdom, whom nothing can please, but what is made by Foreigners, or comes from abroad?

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Our Palates for a long time have been so nice, that nothing but a French Cook could please them; nor could we persuade our selves that our Cloathing was good, unless from Head to Foot we were *a-la-mode de France*. The Gentleman was not well served without a Frenchman, and the Lady's Commode could not sit right, if her fine French Woman did not put it on: Now, on a sudden, the Change is as violent in favour of the Dutch, who are great Courtiers, and the only taking People, and our English are a sort of clumsy-fisted People, if compared with the modish Dutch Hans and Frow, and in short the Englishmen are fit for nothing but to be sent to Flanders, and there either to fight, steal, or starve for want of Pay. There is one thing, Mr. Speaker, which comes into my mind, with which I shall close this Consideration: What reason was there for blaming the Mayors, Aldermen, Common Councils, and other Governours of Corporations, for surrendering their Charters, tho' they still retain'd their Rights, for Englishmen only to come into new Charters, and at the same time hope to justify our Proceedings, tho' we throw up the great Charter of our English Liberties, to admit Strangers?

A fourth Pretence for this Bill is, A want of Husbandmen to till the Ground. I shall say little on this Head, but request the honourable Person below me, to tell me, of the forty thousand French, which he confesseth are come into England; how many does he know, that, at this time, follow the Plow-tail? For it's my firm opinion, that not only the French, but any other Nation this Bill shall let in upon us, will never transplant themselves for the Benefit of going to Plow; they will contentedly leave the English the sole Monopoly of that Slavery.

Upon the whole, Sir, it's my Judgment, that should this Bill pass, it will bring as great Afflictions on this Nation, as ever fell upon the Egyptians, and one of their Plagues we have at this time very severe upon us; I mean, that of their Land bringing forth Frogs in abundance, even in the Chambers of their Kings: For there is no entering the Courts of St. James's and Whitehall, the Palaces of our hereditary Kings, for the great Noise and Croaking of the Frog-landers.

Mr. Speaker, this Nation is a Religious, Just, and Zealous Nation, who, in some of their Fits of Zeal, have not only quarrelled and fought for the same, but have murdered and deposed Kings, Nobles, and Priests, for the sake of

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their Religion and Liberties, which they pretended to prove from the Bible. We are the Religious Representatives of this Religious People. Let us therefore learn Instruction in this Case before us, from that good Book; where we may be informed, that St. Paul by being born Free of Heathen Rome, escaped a Whipping, and valued and pleaded that Privilege; and the chief Captain of the Romans prides himself, that he, with a great Sum, had obtained that Freedom, and feared greatly when he had violated St. Paul's Liberty, by binding of him; and shall we set at nought the Freedoms of the English Nation, who are a Religious, Christian Kingdom, and part with the same to Strangers, for nothing, unless the undoing of our own Country-men, who sent us here, but not on this Errand? Certainly we should follow the Example of the Roman Captain, and fear and tremble when we consider the just Provocation we shall give to the Kingdom, who will expect that we preserve, and not destroy every English Man's Birth-right.

Sir, We may further learn, from that Book, the Fate of the Egyptians, who experimented, on the score of Charity, what it is a People may expect from admitting Strangers into their Country and Councils; Joseph was a Stranger, sold a Slave into Egypt; yet being taken into Pharaoh's Council, he, by Taxes, and other fine Projects, brought the seven Years plenty God had blest the Egyptians with, into the Granaries of Pharaoh: but when Dearth came on the Land, and the People cried to their King for Relief, they were sent to the Stranger Joseph, who getteth from them, for that which was once their own, all their Money, their Cattle, their Lands, and last of all, their Persons into Slavery; tho' at the same time, he did far otherwise by his own Country-men, for he placed them in the best of the Land, the Land of Goshen, and nourished them from the King's Store. This Example should teach us to be wise in Time, seeing all this was done by the Advice of one Foreigner in the Privy-Council; and what may that Country expect, where the Head, and many of the Council are Foreigners?

Sir, I perceive some Gentlemen are uneasy, perhaps I have offended them, in supposing they are Religious Representatives; or concluding that their Religion is to be proved from the Bible; if that be it which displeaseth, I beg their pardon, and promise not to offend again on that score; and will conclude all with this Motion, 'That the Serjeant be commanded to open the Doors, and let us first Kick this Bill out of the House, and then Foreigners out of the Kingdom.'

The King clos'd this Session of Parliament, April 25, with the following Speech.

' My

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My Lords and Gentlemen,
THE Proofs you have given of your Affection to me, and the Zeal you have express'd for the Support of King's Speech, the Government, oblige me to return you Thanks before I put an end to this Session; and in particular, to thank you Gentlemen of the House of Commons, for the large Supplies you have provided to carry on the War.

I will endeavour to do my Part, and it is from the Blessing of God we must all expect such Success as may answer our Desires.

My Lords and Gentlemen,
The Posture of Affairs making it necessary for me to be absent for some time out of this Kingdom, I recommend it to you, that in your several Stations, you be careful to preserve the Public Peace.

On Monday. November the 12th, the Parliament met at Westminster, and with the usual Solemnity, the King made this Speech to both Houses.

Sixth Session of
King William's
Second Parlia-
ment.

My Lords and Gentlemen,
I AM glad to meet you here, when I can say our Affairs are in a better Posture both by Sea and Land than when we parted last.

The King's
Speech.

The Enemy has not been in a Condition to oppose our Fleet in these Seas, and our sending so great a Force into the Mediterranean, has disappointed their Designs, and leaves us a Prospect of further Success.

With respect to the War by Land, I think, I may say, that this Year a stop has been put to the Progress of the French Arms.

Gentlemen of the House of Commons,
I have had so much Experience of your good Affection to me, and of your Zeal for the Public, that I cannot doubt of your Assistance at this Time: I do therefore earnestly recommend to you, to provide such Supplies, as may enable me to prosecute the War with vigour; which is the only Means to procure Peace to Christendom, with the Safety and Honour of England.

I must likewise put you in mind, that the Act of Tonnage and Poundage expires at Christmas; and I hope you will think fit to continue that Revenue to the Crown: which is the more necessary at this Time, in regard the several Branches of the Revenue are under great Anticipations, for extraordinary Expences of the War, and subject to many Demands upon other Accounts.

I cannot but mention to you again, the Debt for the Transport

Anno 6W. & M. ' port Ships employed in reducing of Ireland, which is a
1694. ' Case of Compassion, and deserves Relief.

' My Lords and Gentlemen,

' I should be glad you would take into your consideration,
' the preparing some good Bill for the Encouragement of our
' Seamen: You cannot but be sensible, how much a Law of
' this nature, would tend to the Advancement of Trade, and
' of the naval Strength of the Kingdom, which is our great
' Interest, and ought to be our principal Care.'

Mr. Harley
brings in a Bill
for frequent
Parliaments.

The Commons adjourn'd to the 19th of November; when
the first thing they did was to order Mr. Harley to prepare
and bring in a Bill for *the frequent meeting and calling of
Parliaments, which they had been so earnest for in former
Sessions, and were resolved to insist upon in this. The Bill
was easily drawn up, and presented November the 22d, and
read with dispatch the third time, and past December the
13th and sent up to the Lords, who on December the 18th,
gave it their concurrence, without any Amendments.

Which pass'd
both Houses.

The Commons likewise went cheerfully on with the Sup-
ply, and having examin'd the Estimates for the next Year's
Service for the War; the Accounts of the Monies paid to
the Fleet, to the Army, to the Allies, and for Forage, and
enquir'd into the *Quota's* the Confederates were severally to
furnish, they voted

2,382,712 l. for the Navy.

2,382,000 l. for the Army.

To be rais'd by

Royal Assent
given to Ton-
nage and Pound-
age and Trien-
nial Bills.

Four Shillings in the Pound Land-Tax, and other Sub-
sidies. They continu'd the Duties of Tonnage and Poundage
five Years longer; and his Majesty past that Bill, and the
Triennial Bill, at the same time, December 22.

Both Houses
condole the Loss
of the Queen.

The 31st, (the Queen dying the 28th) both Houses of
Parliament immediately address'd his Majesty, to condole the
great Loss, and give him Assurance of their firm Adherence
to his Interest. To the Lords, who presented their Address,
in a Body to his Majesty at Kensington, he was pleas'd to say
in these few Words of Sorrow:

The King's
Answer.

' I heartily thank you for your Kindness, but much more
' for the Sense you shew of our great Loss, which is above
' what I can express.

To the Commons:

' Gentlemen,

' I take very kindly your Care of Me and the Public,
' especially at this time, when I am able to think of nothing
' but our great Loss.

The Commons
look back into
Abuses and Cor-

While the Commons were raising Money, they wisely
enquir'd into the disposal of former Taxes; and discover'd so
much

* This is the famous Triennial Bill, which was repeal'd in the late Reign.

much Corruption, as was high time to punish and prevent. Anno 7 W. III.
1695.
The Occasion of looking back, was given by a Petition of the Inhabitants of Rôyston, complaining of the great Abuses committed by Officers and Soldiers in exacting Subsistence-Money.

This Petition was read in the House on January the 12th, and after examining Mr. Tracy Pauncefort, Agent of Colonel Hastings's Regiment, and the Officers complained of; it was resolved, ' That the Officers and Soldiers of the Army demanding and exacting Subsistence-Money in their Quarters, or upon their March, is arbitrary and illegal, and a great Violation of the Rights and Liberties of the Subject.' And it was thereupon ordered, ' That the Commissioners for taking and stating the Public Accounts, do upon Friday Morning next, lay before this House, their Observations of the Abuses and ill Practices, committed by the several Agents of the Regiments of the Army, and that the Commissioners should lay before them the Names of such Agents, as have neglected to attend them upon Summons. And that Agent Pauncefort lay before the House, a particular Account of all the Moneys received from the Earl of Ranelagh, and how he has paid or disposed of the said Money.'

Pursuant to this Order, on January the 25th, Mr. Harley, from the Commissioners for taking and stating the Public Accounts, presented to the House their Observations of the Abuses and ill Practices committed by the several Agents. On January the 28th, Mr. Tracy Pauncefort presented his Accounts, and was examined to the truth of them. Agent Roberts, Agent Wallis, Lieutenant Turner, Colonel Hastings, and Major Montall, were likewise examined: The two latter were discharged, the others were taken into Custody. Mr. Pauncefort was brought in Custody to the House on February the 12th, where refusing to answer to several questions demanded by the House, it was resolved, ' That by obstinately refusing to Answer to a Matter of Fact demanded of him by this House, he had thereby violated the Privilege, and contemned the Authority of this House, and the fundamental Constitution thereof.' For which he was brought to the Bar, and upon his Knees received the Judgment, of being committed Prisoner to the Tower of London.

Several Agents
exam'd.

Mr. Pauncefort
order'd to the
Tower for a
Contempt.

On February the 15th upon his Petition, acknowledging his Offence, and expressing his Sorrow, he was again brought to the Bar of the House; but not giving satisfactory Answers, he was remanded back to the Tower.

His Brother Mr. Edward Pauncefort was likewise called in and examined; and on February 15, it was resolved, That Mr. Edward Pauncefort, for contriving to cheat Colonel Hastings's Regiment of five hundred Guineas, and for giving

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And Mr. Guy
a Member.

Representation
of the Com-
mons.

a Bribe to obtain the King's Bounty, be taken into Custody. And that Mr. Henry Guy, a Member of the House, for taking a Bribe of two hundred Guineas, be committed Prisoner to the Tower of London. And the House at the same time agreed, that a Committee be appointed, to prepare an humble Representation to be made to his Majesty, laying before him the several Abuses, ill Practices, and intolerable Exactions of the Agents of the Regiments of the Army, upon the inferior Officers and common Soldiers, whereby they have been forced to raise their Subsistence on the People: which said Representation was as follows:

' We your Majesty's most dutiful and loyal Subjects the Commons in this present Parliament assembled, do from a true and unfeigned Zeal for your Majesty's Person and Government, (which God long preserve) and from the Obligation that lieth upon us in behalf of those whom we represent, most humbly lay before your Majesty the Grievances we lie under, by some of the Officers and Soldiers of the Army, in raising Money upon the Country, under pretence of Subsistence; which is such a Violation of the Liberty and Property of your Subjects, that it needeth no Aggravation.

' This is, in great measure, occasion'd by the undue Practices of some of the Agents and Officers; the Particulars of which, we beg leave to lay before your Majesty, in order to the more effectual preventing the like Miscarriages for the future.

' I. Some of the Agents, amongst other their ill Practices, have detained the Money due to the Soldiers, in their hands; and made Use of it for their own Advantage, instead of immediately applying it to the Subsistence of the Officers and Soldiers, for whom they were entrusted.

' II. Their intolerable Exactions and great Extortions upon the Officers and Soldiers, for paying Money by way of Advance; their charging more for the Discounts of Tallies, than they actually paid: By which fraudulent imposing upon those who serve in your Majesty's Armies, it appeareth, that, notwithstanding they have a greater Pay, than is given in any other Part of the World, they are yet reduced to Inconveniences and Extremities; which ought not to be put upon those, who venture their Lives for the Honour and Safety of the Nation.

' III. In particular, Colonel Hastings hath compelled some Officers of his Regiment, to take their Clothes from him at extravagant Rates, by confining and threatening those that would not comply therewith: By which the Authority, that may be necessary to be lodged in the Colonel over the inferior Officers in some Cases, is misapplied, and extended so as to promote a private Advantage of his own, without
any

may Regard to your Majesty's Service, or to the Discipline Anno 6 W. III.
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' IV. Colonel Hastings's Agent hath presumed fraudulently to detain five hundred Guineas, out of a Bounty given by your Majesty to the Officers of that Regiment, under Pretence of giving them as a Bribe to obtain the same, to the Dishonour of your Majesty, and Injury to the Officers thereof. And hath taken two Pence *per* Pound, out of the Money due to the Officers and Soldiers; for which Deductions there being no Warrant, the Colonel, whose Servant the Agent is, is answerable.

' V. Colonel Hastings's Agent hath refused or neglected to give an Account of the Pay due to the Captains of his Regiment, and their Companies; which tends apparently to the defrauding the Officers and Soldiers.

' VI. Some of the Agents assume to themselves the Liberty of making great Deductions: Which, since they know not how to justify, they endeavour to cover, by putting them under the shelter of the uncertain Head of Contingencies; which giveth them the better Opportunity of hiding the Frauds and Abuses, that would otherwise be more liable to be detected.

' VII. Colonel Hastings hath discharged an Ensign, by putting another in his room, contrary to the true Discipline of an Army; from which the Colonels have no Right to exempt themselves, to enlarge their own Authority, to the Prejudice of your Majesty's Service, and of the Officers who serve under them.

' VIII. Colonel Hastings hath taken Money for the recommending to Commands in his Regiment, to the great Discouragement to the Officers who are to serve in your Majesty's Armies; who ought to be such as deserve their Commands, and not such as pay for them.

' These things we most humbly represent to your Majesty, in Confidence of having them redress'd by your Majesty's Justice and Wisdom.

' Your loyal Commons, as they have been always ready to supply your Majesty, cannot but be sensible of such Miscarriages, as may either diminish the Strength of your Armies, or the Affections of your People: And it is from a Principle of the highest Duty, that we take this way of applying ourselves to your Majesty for redress; having an entire assurance that this our most humble Representation will not only be graciously accepted, but that our Expectations from it will be fully answered.

To this his Majesty was pleas'd to reply:

' Gentlemen,

' I will consider your Representation, and take all care possible to have the Grievances redressed. The King's Answer.

FORM II.

L II

[Accordingly

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[Accordingly Colonel Hastings was immediately cashiered, and his Regiment given to Sir John Jacob, his Lieutenant Colonel. And while the Complaint was depending, the King in Council was pleased to order, February 19. That the chief Officers of the Army should meet twice a Week, in the great Chamber of the Horse-Guards, to receive and examine all Informations and Complains, that should be brought before them, of any wrong or injury, done by any Officer or Soldier of his Majesty's Land-Forces, in order to redress the same. And on March 11. His Majesty issued out a Declaration for the strict Discipline of the Army, and due Payment of Quarters; strictly forbidding to exact or demand any Subsistence-Money, or to commit any Spoil or Disorder, or to use any Violence or threatening Words, or otherwise to misbehave themselves, under pain of cashiering and loss of their Pay]

Contractors for
cloathing the
Army, ex-
amin'd.

To prosecute the Discovery of ill Practices, Mr. James Craggs, one of the Contractors for cloathing the Army, was summoned to attend the House: And after he had given in his Answer to the Commissioners for taking and stating the Public Accounts, it was demanded of him March 7. whether he would produce his Books, and be examined before the said Commissioners upon Oath: He excused himself, and refused to produce his Books. Upon which it was resolved, that for so refusing, and thereby obstructing the Enquiry of the House into the disposal of the Public Monies, he be committed Prisoner to the Tower of London. Soon after Mr. Harley reported the farther Examination of Mr. Edward Pouncefort, and acquainted the House, that Mr. Richard Harnage, another of the Contractors for the Cloathing of the Army, had refused to be examined upon Oath, before the Commissioners: Whereupon it was ordered, That a Bill be brought in, to oblige Mr. Edward Pouncefort to discover how he disposed the Monies paid into his Hands, relating to the Army, and for punishing him in Case he should not make such Discovery; and that Mr. Tracy Pouncefort, Mr. James Craggs, and Mr. Richard Harnage, be included in the said Bill.

Petition of the
Hackney-
Coach men.

Amidst the Noise of Bribery and Corruption, there was a Petition to the House of Commons, of Thomas Kemp and others, on behalf of themselves and others, the ancient four hundred licensed Hackney-Coach-men; which being referred to a Committee, it was their Opinion, that the Petitioners the Hackney-Coach-men, had proved the Substance of their Complaint, and were worthy the Consideration and Relief of the House: And that several of the Commissioners for licensing and regulating Hackney-coaches, and Stage-coaches, had, by receiving Bribes, and by other undue Means, acted corruptly and arbitrarily, contrary to the Authority and Trust reposed

posed in them by Act of Parliament. Thereupon the House ordered the Committee to distinguish the Commissioners, which they accordingly did; and by their Report on March 20. Henry Ashurst and Walter Overbury Esqs; were honourably cleared, and the others were declared guilty: And an humble Address was made to his Majesty, that he would remove Henry Killegrew, Henry Villers, and Richard Gea Esqs; from the Commission for licensing Hackney-coaches; and they were accordingly removed.

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From these Discoveries a common Murmur arose, that an universal Corruption had overspread the Nation; that Court, Camp, City, nay and the Parliament itself were infected more especially when the following State of the Accounts of the East-India Company was presented to the House, according to Order.

	l.	s.	d.	
On the 31st of October 1694, the Ballance of their Cash was—	124	149	15	10
Which Sum their Cashier a little while after cou'd give no Account of.				
Besides this, there were Contracts for Stocks, to the Value of 67383 l. 1 s. 6 d. which was jobb'd up and down, and at last became lost to the Company, for the same Uses as the other Sum.	67	383	1	6
And upon the Company's Account of Charges general, there was paid out of Cash in 6 Years for special Service.	103	165	15	5
In all	294	798	12	9

State of the
East-India
Company's
Accounts.

Hereupon, to wipe off the Suspicion from the honourable Members, and to expose the Guilty, on March 7. the House appointed Paul Foley Esq; Sir Richard Onslow, John Pollexfen Esq; Sir John Thompson, Foot Onslow Esq; Thomas Tekham Esq; Sir Samuel Bernardiston, Thomas Wharton Esq; and Francis Gwinne Esq; as a Committee to inspect the Books of the East-India Company, and also the Books of the Chamberlain of London.

On March 17. Mr. Foley reported from the said Committee. That as soon as they came to the East-India House, they called for an Account of all Moneys paid for the special Service of the Company; upon perusal of which, observing, that the greatest Payment was in the Year 1693, they searched for the Orders for the issuing that Money; the chief of which were, one dated the 13th of April 1693. another dated the

Mr. Foley's
Report thereon.

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24th of November 1693, and another the 22d of January, 1693-4. In pursuance of which, the Sums of 22,275 l. 24,983 l. and 30,000 l. were severally paid out of the Cash, amounting in all to 77,258 l. besides several smaller Sums amounting in the whole to 10,144 l. which with the former Sum makes 87,402 l. all issued in the Year 1693, while Sir Thomas Cooke was Governor, and Francis Tyssen Esq; Deputy Governor, for the special Service of the House, and obtaining a new Charter. That they found by examination of most of the Persons, present at the Committees of the East-India Company, where the said Orders were made, that the Governour in the said Committees, did only in general inform what Sums he hath disburs't, without naming the particulars to whom, or to what Service, which several of them said was a new Course, since Sir Thomas Cooke came to be Deputy-Governor, or Governor. That in a State of the Company's Cash, dated at the East-India House the 7th of March 1694-5. and drawn up by several Members of the Company, empowered for that purpose, near all the aforesaid Sums were observed to be paid, and placed to the Company's Account of Charges general, paid out of Cash, viz. In 1688 and 1689, Sir Benjamin Bathurst Governor, and Sir Josiah Child Deputy-Governor, 2230 l. 14 s. In 1690 and 1691, Sir Joseph Herne Governor, and Sir Thomas Cooke Deputy-Governor, 13,532 l. 9 s. In 1692 and 1693, Sir Thomas Cooke Governour, and Mr. Tyssen Deputy-Governour, 87,402 l. 12 s. in the whole 103,165 l. 15 s. That upon Examination of the Company's Cash-book, having found the Ballance of the 31st of October, 1694 was 124,249 l. they demanded of Mr. Portmans the Cashier, if he had the same in Cash? That he replied, he had not; but instead thereof, laid before them in writing that 90,000 l. was lent upon Sir Thomas Cooke's Notes, (which he produced) with other Particulars, which made up the above-mentioned Ballance. That in his Note Sir Thomas Cooke owned the Receipt of 90,000 l. which he had disburs't, and paid for 99,197 Pounds Stock in the East-India Company for their Account; tho' they did not find any Warrant for the said Sum, or any of that Stock transferred in the Company's Books for their Account, exceeding 18,300 l. Stock, the 16th of January, 1694-5. The Committee of the House of Commons further reported, that they found a Contract dated the 26th of February, 1693, for 200 Tun of Salt-petre, to be brought home in the Ship Seymour from India, to pay 12,000 l. for the same, and 25 l. freight *per* Ton, besides all Charges here. That 2000 l. which was the Sum sent out to purchase the said Salt-petre, was actually paid out of the Company's Cash, and that a Bond for the remaining 10,000 l.

was

was given under the Seal of the Company, payable the 31st of March, 1695, whether the Ship arriv'd in safety or not: With this Limitation only, that if two hundred Ton of Salt-Petre be not laden upon the said Ship, then to repay in proportion to the want thereof. So that the Result of this Contract was, that the Company ran the Adventure of 12,000l. for that which cost only 2000l. and must consequently lose 12,000l. if the Ship miscarried: And on the contrary, the Seller on the other hand, got ten thousand clear, without disbursing, or running the hazard of one Penny; and what is yet more, a certain loss of 9 or 10000l. would attend it, if the Ship arrived in Safety. That the Committee having examined the Members of the Company, concerning this Contract, they owned it to be true, that the 2000l. was paid, and the 10,000l. Bond given to Mr. Thomas Colston. That about the same time this Contract was made, so many of the Interlopers as would sell their Shares in the Interlopers to the East-India Company, were allowed their first Cost, and 25l. *per cent.* advance; which was done by giving them Credit for so much in the East-India Books. That the Committee found Sir Samuel Dashwood, Sir John Fleet, John Perry Esq; Sir Joseph Herne, and Sir Thomas Cooke, were present at the Court of Committees, when the Orders above-mentioned were made; but they being all Members of the House of Commons, the Committee did not think fit to examine them. That the rest of the Committees, who were present at making those Orders, and most of whom had been examined, could give no Account of the Disposal of the Money issued out, during the time of Sir Joseph Herne, and Sir Thomas Cooke's Government; but only that the same was paid for special Service; and that a great part thereof was put into the Hands of Sir Basil Firebrace. That one of them, *viz.* Sir Benjamin Bathurst, said, Sir Joseph Herne had the greatest part of the 13,932l. 9s. to dispose of; and Sir Benjamin Bathurst would have called for an Account thereof, but Sir Thomas Cooke desired he would not. That the Company's Committee of nine, had often called upon Sir Thomas Cooke, to give an account to whom he had distributed the Money he received, which he had some time promised, and afterwards declined to do: So that the Secret of that Service, and the placing of that Money, lay principally with Sir Thomas Cooke, and Sir Joseph Herne. That Sir Benjamin Bathurst finding so great a Sum as 30,000l. charged for secret Services, he had some warm discourse with Sir Thomas Cooke about it, to know how it was disbursed: But Sir Thomas refused to give him any particulars, and told him he should remember he was bound by his Oath to the Company, to keep their Secrets. To which

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Sir

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Sir Benjamin replied, he was under the same Obligation, to be true to the Interest of the Company. Sir Benjamin Barthurst further said, that, about April, 1694. understanding that they were in want of Money, he looked into the Cash-book, which casting up, he found a considerable Sum in Cash; and taking some Persons with him, discouraged Sir Thomas Cooke about it, who said, the 90,000 l. he had received, was to gratify some Persons in case the Bill should pass. As for the Contract about Salt-petre, Sir Benjamin Barthurst said, that it was made by Sir Thomas Cooke, and Sir Basil Firebrace, but he knew nothing of it, till it came into Court.

The Committee likewise reported, that Sir Basil Firebrace being examined, owned he had received upwards of 16,000 l. which was for buying Shares of Stocks, and of which the Company had allowed: But said, he knew no ground the Committee of nine had to say, that a great Part of the other Sums were put into his hands. He confessed he invited several Persons to come into the Company; and offered to lay down Money for several, and that if they liked it not at the Year's End, he would then take it off their hands; which Offers he made to Members of the House of Commons, among others, and gave an account to the Company of his doing so, who promised to indemnify him. That concerning the Accommodation with the Interlopers, the Company had a Letter from the Lord Nottingham, That it was the King's Pleasure, that they should come to an Agreement with the Interlopers: That the Proposal to them was 25. *per Cent.* for bringing in their Stock to the Company, and one half of the Profit besides; which one half of the Interlopers accepted: but Mr. Godfrey and some others, standing upon 30. *per cent.* Mr. Colston went off with them, and did not come into the Company. That Mr. Ward said it was agreed by the Interlopers, that only 2000 l. should be employed in buying of Salt Petre; that Mr. Colston was to have the advantage of it, which he believed was not for Mr. Colston himself, but for some other Gentleman; and lastly, that the original Inducement to the Leave of the Interlopers going out, was that Agreement with Mr. Colston.

Report of corrupt Practices in procuring the Orphans Bill.

The same Committee of the House of Commons reported, That having inspected the Chamberlain of London's Books, they found an Order made by a Committee of the Common-Council for the City of London, (appointed to consider of ways and means for satisfying the Debts due to the Orphans of the said City) and dated the 12th of February, 1692, by which Mr. Chamberlain was directed to pay to Sir John Trevor Speaker of the House of Commons, the Sum of 1000 Guineas, so soon as a Bill was passed into an Act of Parliament, for satisfying the Debts of the Orphans, and other Creditors of the said City; which Sum was paid and delivered

delivered to Sir John Trevor, on the twenty-second of June 1694, in the Presence of Sir Robert Clayton and Sir James Houblon. That they observed that the Order of the Committee of the Common Council, which now stood dated the 12th of February, and that the Person named therein, was put in a different hand: That examining who first writ the Warrant, Mr. Borret the City Solicitor, owned it was his Hand-writing; and at first said, that he believed the Blank at first left therein, was filled up with the Speaker's Name, before the Committee signed it, because he believed they would not set their Hands to a Blank. But all the Committee who signed it, and who appeared upon Summons, declared most of them positively, that there was a Blank for the Person's Name, when they signed it; and the rest being doubtful, Mr. Borret then said the Blank might be filled up afterwards, though he could not tell the time: However, he owned he filled it up with another Pen. That they found another Order of the said Committee, dated 26th of April, 1693, directing the Chamberlain to pay to Paul Jodrell Esq; the Sum of 100 Guineas, for his Pains and Service in assisting the Orphan's Bill to pass in Parliament; which Sum was paid him the 22d of June 1694. That in the Chamberlain's Books were entered several Sums paid to Mr. Borret, to defray the Charge of drawing the Bill, making Copies thereof, and of the Petitions and Orders relating to the same; amongst which Payments they found 5 Guineas paid to Mr. Solicitor General, for his Advice therein, 5 Guineas to Mr. Harcourt, 20 Guineas to Mr. Hungerford, Chairman of the Grand Committee, for his Pains and Service, and 60l. 9s. to Mr. Jodrell. That they understood that the Orphans, for the procuring of this Bill, had given Bond to Mr. Smith and Mr. Charles Nois, to allow them 12d. in the Pound, when the Bill was passed, for their Pains and Charges in that matter, which Contract being made void in that Bill, the Court of Aldermen were impowered to satisfy them their real Expences. That upon this, Smith and Nois applied themselves to the Court of Aldermen, and got a Petition to be signed by many of the Orphans, that they were willing, notwithstanding the Act of Parliament, they should be allowed 12d. in the Pound. That the said Nois and Smith brought in a Bill to the Committee of the Common Council, of their Charges, amounting to 3457 l. 16s. but, as was alledged, they pretended to be more than 10,000l. out of Purse; by which Argument they got Subscriptions to the said Petition; in which Bill there was charged 1650l. paid to Mr. George Finch for carrying on the Act. That Mr. Nois and Mr. Smith being examined, they did utterly deny that they had given any Money to any Member of Parliament, on the account of the said Bill, or

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knew of any to be given; but they were willing to get what they could, having taken a great deal of pains in long soliciting the same; and that they did say, that notwithstanding they did charge 1650*l.* to be paid Mr. George Finch, yet they had not paid him any Money; but having delivered up his Bond for the 12*d.* in the Pound, they valued his Share of the Orphans Debt to amount to that Sum. That Mr. George Finch being examined, did deny to have received any thing from Mr. Nois and Mr. Smith, or his paying any Money to any Member of Parliament: But wavering in his Discourse, and being again asked if he ever did distribute, or know of any Money distributed on account of the Orphans Bill? he said it was a hard thing to be asked such Questions. That however he owned, that upon Suggestion that there were Obstructions to the Bill, which must be removed by Money, he applied himself to several of the Orphans, and did receive 100*l.* from Mr. John Chadwick, 100*l.* from Mr. Harvey, 100*l.* from Mr. Scot, 50*l.* from Mr. Herne, and had a Promise of 100*l.* from Sir John Smith, which was not yet paid. And lastly, they reported that Mr. Chadwick and Mr. Herne proved the Payment of the Money to Mr. George Finch, but could give no account what he had done with it.

The Speaker
charged with
Corruption.

The Commons having debated and weighed these Reports, came to this Resolution on March 12th: That Sir John Trevor Speaker of the House, receiving a Gratuity of a thousand Guineas from the City of London, after passing of the Orphans Bill, is guilty of a high Crime and Misdemeanour.

Leaves the
House.

Upon this Sir John did not think fit to justify himself, but sent the Mace to the House, and wisely absented himself.

Mr. Foley chosen
Speaker.

So on March 14th the Commons resolv'd to proceed to the Election of a new Speaker: Sir Thomas Littleton and Paul Foley Esq; were propos'd; the Majority inclined to chuse the former; but Mr. Wharton, Comptroller of the King's Household, speaking up for him with more than ordinary Zeal, the Majority did from thence presume that Sir Thomas Littleton was too much in the Court Interest, and upon that Prejudice only they elected Mr. Foley; who on the next day, Friday March 15. was approved by his Majesty on the Throne.

Sir John Trevor
the late Speaker
expelled.

On March 16, the Commons proceeded upon the Report from their Committee, and resolv'd, 'That Sir John Trevor late Speaker of this House, being guilty of a high Crime and Misdemeanour, by receiving a Gratuity of a thousand Guineas from the City of London, after passing the Orphans Bill, be expelled this House.' And so he retired to enjoy his other beneficial Place, the Mastership of the Rolls.

On

On March 18, Mr. Bird made his excuse for offering Money to a Member of the House, to present a Petition against a Bill depending in the House, and upon his Knees had a Reprimand from Mr. Speaker. And it was then resolved, 'That whosoever shall discover any Money or other Granuity, given to any Member of the House, for Masters transacted in the House, relating to the Orphans Bill, or the East-India Company, should have the Indemnity of the House for such Guilt.' And to carry on the needful Inquisition, they ordered, That Mr. Charles Nois, Mr. James Smith, Mr. George Finch, Mr. Dowse, Mr. Herne, Mr. Chiswell, and Mr. Chadwick, should attend the next Morning. They did so, and it was then resolved, that Mr. Charles Nois having to several Persons pretended he was out of Purse, or engaged to give great Sums of Money to several Members of this House, in order to pass the Orphans Bill, which on his Examination he denied to have given or promised, has been an occasion of Scandal to this House and the Members thereof; for which he was taken into the Custody of the Serjeant at Arms. And the House proceeding to clear and purge themselves, did soon after resolve, That Mr. Hungerford a Member of the House, having received twenty Guineas for his pains and service, as Chairman of the Committee of this House to whom the Orphans Bill was committed, is guilty of a high Crime and Misdemeanour.

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Mr. Bird reprimanded on his Knees for offering Money to a Member.

On March the 26th, the Commons proceeding on the Report relating to the Members of this House taking Money;

Farther Proceedings of the Commons against Bribery and Corruption.

Resolved, That Mr. Hungerford a Member being guilty of a high Crime and Misdemeanour, by receiving twenty Guineas for his pains and service, as Chairman of the Committee to whom the Orphans Bill was committed, be expelled the House. And ordered, that Sir Thomas Cooke, a Member, having refused to give an account of the Money of the East-India Company by him distributed, be committed Prisoner to the Tower; and a Bill be brought in to oblige him to give such account. This Bill was presented by Mr. Bridges on March the 28th, and received and read the first time: The next day it was read a second time, and the Cashier to the East-India Company, according to order, produced the Warrants for the Sums paid for special Service or Charges general.

On March the 30th, Sir Basil Firebrace delivered in an account of Monies by him paid for the Service of the East-India Company; and Sir Thomas Cooke petitioned the House, that he might be heard by Council before the Bill do pass, which was granted.

On April the 2d, the Commons in a grand Committee went through the Bill, and made Amendments, which were reported the next day.

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The 6th, Sir Thomas Cooke's Council were heard, and the Bill was read a third time and passed, and sent to the Lords for their Concurrence, where it stopt.

The 13th, their Lordships sent a Message to the Commons, desiring that Sir Thomas Cooke might be permitted and ordered to appear at the Bar; and the Commons did accordingly order by Warrant from the Speaker, that Sir Thomas should attend the Lords at their Bar: Which he did, and was by them referred to a Committee; who prevailed with him to promise a Discovery within seven Days on condition a Bill of Indemnity should be pass'd in his favour. With this the Lords comply'd, and sent down a Bill of that nature to the Commons, where it pass'd with some Amendments: to which the Lords agreed April 19.

Royal Assent
given to several
Bills.

On the 22d of April, his Majesty gave the Royal Assent, to the *Act for Annuities: That for Duties on Marriages, Births and Burials: That for Duties on Coffee, Tea, and Chocolate: For the Transport-Service:* And other Acts, public and private. After which his Majesty spoke as follows:

King's short
Speech.

' My Lords and Gentlemen,
' I Take this Occasion to tell you, that the Season of the
' Year is so far advanc'd, and the Circumstances of Affairs are so pressing, that I very earnestly recommend to
' you, the speedy dispatching such Business as you think of
' most Importance for the Public Good, because I must put
' an end to this Session in a few Days.'

His Answer to
the Address relating to the
Officers in
Ireland.

The next day, Sir Henry Goodrick acquainted the House of Commons, that their Address for obliging the Colonels and other Officers employ'd in the Reduction of Ireland, to account for what Money they had receiv'd to pay the Inferior Officers and Soldiers, had been presented to the King, who was pleased to answer, ' That he had already given
' Orders, as well in Flanders as in England, for the doing
' what is mention'd in the Address; and that some Officers,
' who neglected to comply with the Directions, had been
' cashier'd; however, that he will repeat those Orders, under
' the severest Penalties to such as shall disobey them.' Mr. Comptroller Wharton acquainted the House the same day, that their Address had been presented to his Majesty, praying,
' That his Majesty, in his great Wisdom, would please to take care for the future, that this Kingdom be put upon an equal Foot and Proportion with the Allies, in bearing the Charge of the present War.' And that his Majesty was pleased to answer in these Words, ' In this, as in every
' thing else, I shall always endeavour to have a due Regard
' to the Interest, and to the Honour of the Nation.'

And to another,
concerning the
Expense of the
War.

In

In pursuance of the Act to indemnify Sir Thomas Cooke, *Art. 7 W. III. 1695.*
 * Committee of both Houses was appointed to receive the Discovery to be made by him. He appeared before them on April the 23d, and being sworn, he delivered in writing an Account of the Disposal and Application of several large Sums: As of 10,000 l. delivered to Francis Tyssen Esq; 12,000 l. to Mr. Richard Acton; 338 l. to Mr. Nathaniel Molineux; 220 l. to Sir John Chardin; 350 l. to Paul Dominique, Esq; 382 l. to Captain John Germain; 1000 Guineas to Colonel Fitz-Patrick; 545 l. to Charles Bates, Esq; and 40,000 l. to Sir Basil Firebrace. All which Sums were said to be paid for special Service of the East-India Company, to defray the Charges, and acknowledge the Pains and Services of those Persons and their Friends, on soliciting to prevent a Settlement of a new East-India Company, and to endeavour to establish the Old; besides 500 Guineas paid to the Attorney-General; 200 to the Solicitor; and 200 more to Mr. Sambrooke.

Sir Thomas Cooke's Account of Moneys disposed of by him for the East-India Company.

The Original being read by Sir Thomas Cooke, the Committee conceived it was imperfect, and not such as the Act required; and therefore they acquainted Sir Thomas, that they expected a more particular Account from him. Upon this Sir Thomas began to be more plain, and said; 'That as to the first Sum of 10,000 l. paid to Mr. Tyssen, he gave him no Directions how it should be disposed, but it was in expectation to have the Charter of the East-India Company confirmed; that it was intended for the Service of the King, tho' he could not say the King had it; but he believed, that Mr. Tyssen told him, that he delivered it to Sir Josiah Child, who presented it to his Majesty, as a customary Present;

His Examination thereon.

M m m 2 for

* The Lords went

<i>The Earl of Pembroke, Lord Privy Seal.</i>	<i>Earl of Monmouth.</i>
<i>Duke of Shrewsbury.</i>	<i>Earl of Marlborough.</i>
<i>Earl of Manchester.</i>	<i>Earl of Torrington.</i>
<i>Earl of Bridgewater.</i>	<i>Lord Viscount Weymouth.</i>
<i>Earl of Thanet.</i>	<i>Lord Cornwallis.</i>
<i>Earl of Rochester.</i>	<i>Lord Godolphin.</i>

The Commons were

<i>Sir John Thompson.</i>	<i>Sir Thomas Pope-Blount.</i>
<i>Sir Richard Onslow.</i>	<i>Sir Walter Young.</i>
<i>Sir Henry Hobart.</i>	<i>Sir Christopher Musgrave.</i>
<i>The honourable Charles Montague Esq;</i>	<i>Sir Edward Abney.</i>
<i>The honourable Henry Boyle Esq;</i>	<i>Sir Herbert Croft.</i>
<i>Hugh Boscawen Esq;</i>	<i>Sir Rowland Gwyn.</i>
<i>Thomas Pelham Esq;</i>	<i>Francis Gwyn Esq;</i>
<i>The honourable Thomas Wharton Esq;</i>	<i>Sir William Cowper.</i>
<i>James Chedwicke Esq;</i>	<i>Mr. Hutchinson.</i>
<i>Edward Clarke Esq;</i>	<i>Robert Harley Esq;</i>
<i>Thomas Popillon Esq;</i>	<i>Mr. Breckman.</i>
<i>Sir Thomas Littleton.</i>	

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for the like had been done in former Reigns, as by the Books of the Company might appear. That as to the 12,000*l.* next mentioned, it was paid to Mr. Richard Acton, who declared, he had several Friends capable of doing great Service to the Company's Affairs, and several of them would speak with Parliament-men; that he could not particularize who they were, but the End aimed at, was to get an Act of Parliament. That Mr. Acton did again say, he could tell some Persons employed in that Affair; that he did understand that this Money was to be laid out for promoting their Affairs in Parliament: That he could not say to whom it was given, but understood it went no further than the House of Commons; and that he found no good Fruit by such Distributions. As to the 338*l.* paid to Mr. Molineux, Sir Thomas said, that Mr. Molineux told him this Money was to be disposed of to the Lord Rivers; but since his Confinement, Molineux had told him that my Lord never had it, but he had made use of it himself. As to the 1000 Guineas paid to Mr. Fitzpatrick deceased, Fitzpatrick told him, he had a great Interest with the Lord Nottingham, that he would try what he could do, and he did not doubt but he might do great Services, provided he had such a Sum of Money; yet he believed, Fitzpatrick kept the Money himself, and that there was a Promise of a further Sum, if the Act for a new Company did not pass. That the 345*l.* was to be paid to Mr. Charles Bates when the Charter was settled, and was accordingly in October 1693; that he had no Acquaintance with Mr. Bates: But Sir Basil Firebrace told him, that Bates had Acquaintance with several Lords, and named the Marquis of Carmarthen, now Duke of Leeds. That as to the first 10,000*l.* paid to Sir Basil Firebrace in November, 1693, it was always his Apprehension, that Sir Basil kept it for himself, to recompense his Losses in the interloping Trade: And as to the several other Sums, compleating the Sum of thirty thousand Pounds paid to Sir Basil, he presumed he had occasion to distribute it to several Persons. As to the Sums paid to Sir John Chardin and Mr. Dominique, he believed they were expended in the Company's Service. As to the 382*l.* to Captain Germain, it was paid to bring him off from the Interlopers, and engage him in the Company's Interest.

Reported to the House.

On April the 24th, Mr. Comptroller reported this Examination to the House of Commons; upon which the Debates were very warm.

Debates on that Occasion.

A Inform'd the House that Earl Rivers, who upon the Examination was said to have receiv'd 300 and odd Pounds of the Money, protested he never had a Penny, and that he was now of another House, he had the same Estate and Honour

Honour for this House as heretofore; and that he had mov'd the House of Lords, and they had sent for Molineux, who had said he had receiv'd that Money." Anno 7 W. III.
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' B. Observ'd, that as to all the little Sums, Sir Thomas Cook knew very well to whom they were given, but he could never learn to whom Sir Basil Firebrace deliver'd the Money he had receiv'd; for Sir Basil would not give him any Account of that Matter, tho' often ask'd by him to do it. Acton would have told him, and he would not hear him, so between these two we were sawn. You have it among you, Gentlemen.

' C. Took notice of Sir Thomas Cook's long Preamble, that he had inspected his Powers, reduc'd his Account into Writing, and deliver'd it in that Paper. Whereupon he was examin'd by the Committee, and it was with great difficulty that what they had was drawn from him. As to the first 10,000 l. they had but an Hearsay: Tyssen told him, he gave it Sir Josiah Child, who said he gave it the King. [And here note by the way, that in the fore-mention'd Examination it was said to be a customary Present; and that in King Charles's and other Reigns, the like had been done for several Years, as appears by the Company's Books.] As to the second 10,000 l. to Acton, he proffer'd to tell him the Particulars, and he was unwilling to hear him; but did not doubt but Acton would give a particular and satisfactory Account of all distributed by him; and yet at the same Moment being ask'd where and in what Condition this Acton was, he declar'd he was a distracted Man, and not able to give the House any Account at all. As to the 40,000 l. to Firebrace, he believ'd he kept 10,000 l. for himself, and for the rest he refus'd to tell him to whom, or for what, or when it was issu'd. That he mention'd Contracts to the Value of 60,000 l. on account of procuring a new Charter, and also 40,000 l. for an Act of Parliament. They were not Fools, but they parted with their Money very easily, their Proprietors were little beholden to them.

' D. Said, No Man is innocent, if every Man was guilty; the Members could not be innocent, if they did not lay their hands on these Men, that had betray'd them and the Company, and he hoped themselves; he would have them go as far as they could, then they should not be in fault; and mov'd that Firebrace and Acton should be order'd to attend the next Day.

' E. Seconded the Motion, and mov'd that they should not forget a Member of their own, who was accus'd for receiving a considerable Sum.

In the midst of these Debates, a Message came from the Lords, desiring a present Conference in the Painted-Chamber; Conference of
both Houses.

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ber; which was immediately had. Their Lordships proposed, that all future Examinations of any of the Persons mentioned in the Report of Sir Thomas Cooke, be had before a Committee of both Houses. To which the Commons agreed.

Examination of
Sir Basil Fire-
brace, in a
Committee of
both Houses.

This Committee met the same day: And Sir Basil Firebrace there deposed, that the first ten thousand Pounds were given to him, as a Gratuity for his Losses, some time before the Charter for the East-India Company passed: That ten thousand more was received by him, by virtue of a Contract with Sir Thomas Cooke, for Favours and Services done. That the Stock at the time of the Contract valued at 150l. per Cent. falling afterwards to 100 per Cent. the Difference was thirty thousand pounds; which they made up to him. He was positive, the 10,000l. and 30,000l. were for himself, and for the Use of no other Person, except 500l. paid to Mr. Powell, because he had good Interest amongst the Interlopers. The Committee asked Sir Basil, What particular Service he did, or was to do, for procuring a new Charter? To which he answered, that he was unwilling to take too much upon himself: that he thought he did great Service to the Company in soliciting their Cause; but wished he might be excused to another time, being now much indisposed.

The next day, Sir Basil Firebrace being again examined, further deposed, That having had a Treaty with Mr. Bates, whom he thought able to do Service in passing the Charter, and to have Acquaintance with several Persons of Honour; he gave two Notes for 3500 Guineas to Mr. Arwell, payable to Mr. Bates or Bearer; one Note for 3000 Pounds, the other for 2500 Guineas, intended for the doing Business. That he had these Notes from Sir Thomas Cooke, and was accountable to him for the same: That he believed Sir Thomas did not know how these Notes were to be disposed of; but that he had told Sir Thomas, that Mr. Bates had Acquaintance with several Lords; naming the Lord President, and others. That the Deponent could not tell who this Money was designed for, or what Bates did with it, for that Bates would not deal on such Terms of telling Names. That Bates did introduce him several times to the Lord President; who made some Scruples in point of Law, which were removed by the Attorney-General. That one day last Week, the five thousand Guineas were offered by Bates back again to him; Bates saying, that this might make a Noise. That on Tuesday last, 4400 Guineas were brought to this Deponent; and that the other 400 Guineas were still in Bates's hands.—That they found great Stops in the Charters, which they apprehended proceeded sometimes from my
Lord

Lord Nottingham, and sometimes from others. That Colonel Fitz-Patrick received a thousand Guineas on the same Terms with others, if the Charter passed. That he pretended great Interest with the Lord Nottingham; and that he could get Information from the Lady Derby, how the Queen's Pleasure was. That Colonel Fitz-Patrick said, he would try to prevail with the Lord Nottingham, for five thousand Guineas upon passing the Charter, and five thousand Pounds on the Act of Parliament: But that the Earl of Nottingham absolutely refused to take it. That the Deponent heard, a Note signed by Sir Josiah Child, and Sir Thomas Cooke, for fifty thousand Pounds, was lodged in Tyssen's hands for about a Year, to be paid in case the Act passed; and that it was refused, as he understood, by my Lord Portland, to whom he had offered it.

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1695.

Mr. Richard Acton being examined before the same Committee deposed, that he received the Sums of ten thousand, and two thousand Pounds of Sir Thomas Cooke: That he told Sir Thomas, he had Friends who would take pains to do the Company Service; but they would have ten thousand Pounds. That he had two thousand Pounds for his Trouble in attending two Sessions; and that if the Bill for a new Company had passed, he was to have had nothing. That he did not distribute the ten thousand Pounds to Members, but to those who had Interest with Members. That some of them to whom he gave Money to be distributed, were Mr. Craggs, with whom this Deponent was concerned in cloathing the Army, Mr. Wallis, Mr. Ridley, Mr. Dominique, &c. and that Colonel Goldwell, and Colonel Dean, (who were since dead) were the only Persons which he himself gave Money to.

Deposition of
Mr. Acton.

The next day, April 26th, the Committee of both Houses proceeded upon the Examination of the rest of the Persons mentioned in their Report, and Mr. Bates being sworn, deposed, that Sir Basil Firebrace did apply himself to him, to use his Interest for obtaining a Charter for the East-India Company, the old Charter being forfeited, and told him, they would be grateful: That the Deponent did use his Interest with the Lord President, who said, he would do what Service he could. That the Lord President had delivered his Opinion publicly, for confirming the Charter; and thought the Forfeiture a Hardship. That having received Notes for five thousand five hundred Guineas, he told the Lord President what Sum he had, and would have pressed it upon my Lord, but he refused it. That thereupon in regard he could not very well tell Money himself, he did ask leave of my Lord, that his Servant might tell the Money; to which my Lord answered, he gave leave, and accordingly Monsieur

Deposition of
Mr. Bates.

Robert

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Sir Basil
Firebrace re-
examined.

Robart did receive the Money. That after Monsieur Robart had received it, he brought the same to the Deponent, in whose Possession it remained, till he paid 4400 Guineas thereof back again to Sir Basil. That as to the 600 Guineas remaining of the 5000, he said he had spent some of them. That the Reason he paid back the 4400 Guineas, was the Noise that it made; and that People might think that he did not deserve them; and that the whole 5500 Guineas, were for his own private Use. However, being soon after re-examined he owned, that the 4400 Guineas which he paid back, were brought to him by Monsieur Robart.

Sir Basil Firebrace being once more examined, deposed, That Sir Thomas Cooke, and others, observing him active, and to have Interest among Noblemen, applied themselves to him to endeavour the procuring a new Charter. That Sir Thomas Cooke was apprehensive, that it stuck with the Duke of Leeds; and told the Deponent, that some way must be found out to the Duke. That he thereupon applied himself to Mr. Bates, who would not pretend to talk with the Duke; but said, the Deponent must tell him what the Company would do. That he told Mr. Bates, he thought a Present might be made of 2 or 3000*l*. That Mr. Bates told him, he went to St. James's, and said he had spoke with his Friend; and that more had been offered him by the other side: And that at another time Bates said, that 5000*l*. had been offered him by another hand on the same side. That it was at last agreed, that if the Duke did act in favour of the Company, he should have 2 or 3000 Guineas, and Bates 500 Guineas to himself. That from the time the Notes for the 5500 Guineas were given to Bates, they had free Access to my Lord President; and found him easy and willing to give the Company his Assistance. That Mr. Bates was shy, and called it, his Friend at St. James's. That the Condition of one Draught of a Counter-Note, which Mr. Bates brought, was worded, In case the Lord-President did not assist the Company in passing the Charter; to which this Deponent made an Alteration, by putting out my Lord's Name, and making it not payable, in case the Charter should not pass. That about a Week before the Money was brought back again, this Deponent went to Bates about it, who then told him, it was all for himself. That the Deponent did intend a Distribution of the above-mentioned Sum of thirty thousand Pound, in manner following: To Sir Edward Seymour, Sir John Trevor, and Mr. Guy, ten thousand Pounds, in case the Charter and Act of Parliament passed; to the Merchants Interlopers ten thousand Pounds, and to himself ten thousand Pounds. That as to five thousand Pounds, part of the said thirty thousand Pounds, he did design

figa one third thereof to Sir Edward Seymour, one third to Sir John Trevor, and one third to Mr. Guy. That Mr. Guy, to whom he made the Proposal, told him, they did not desire to meddle with the Stock, but would do any Service they could to promote getting the Charter. That Sir Edward Seymour afterwards meeting this Deponent, chid him for making that Proposal, and told him, he would never have any thing to do with him, if he ever made any such Offers. That the Deponent thought himself obliged in honour, to pay two thirds of the five thousand Pound, when received, to Sir John Trevor and Mr. Guy; and intended to keep the other third, (which Sir Edward Seymour refused) for himself. And that Sir John Trevor did some time afterwards give him some Hints of his Expectation.

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Sir Josiah Child being examined, said, he never disposed of ten Pounds of the East-India Company's. That he did recommend it, that a Present of fifty thousand Pounds should be made to the King, if his Majesty would so far wave his Prerogative, that an Act of Parliament might be passed for settling the Company; that Mr. Tyssen had told him, the King would not meddle in that matter, as he had been informed from my Lord Portland.

These Examinations being reported to the House of Commons, April 27. one of the Members stood up, and spoke thus: Debates of the Commons thereon.

'A. Mr. Speaker, I conceive there is a Necessity to search this Matter to the Bottom, the House has a Thread in their Hands. They ought to provide Laws for the future to prevent the Members of this House taking Money. All imaginable Endeavours have been used to stifle all Discoveries; and Mr. Bates appears an unfortunate Person, whom the Care of his Friend the Duke of Leeds, and the Sense of his Oath, have caused to make such Contradictions. I move that the House would put the Matter in such a Method, as becomes their Justice, and as the shortness of their time will allow.'

'B. Mr. Speaker, I do fully agree with the Gentleman near me, there never were greater and more general Instances of Corruption and Necessity of speedy Remedy. It is very fit this House should let the World see they are in earnest. I ask leave to put you in mind what Practice and Arts have been used to stifle and stop your Discovery; so that what you have, is, as it were, by the utmost Force and Constraint; you cannot wonder at it, when you now find so great a Man at the bottom. But there is no Person in a Post so high, that this House cannot reach, no Man's Practice or Art so deep that this House cannot discover. Here have been all imaginable Endeavours used to obstruct this Enqui-

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1695.

first, his Majesty's Name was made use of at the Committee, with Hopes perhaps that that might stop any further Enquiry; and if it was made use of there, you may reasonably expect it was made use of elsewhere. But that appear'd so far from being a Reflection on the King, that Sir Josiah Child often complain'd of it as a Rudeness to his Majesty, that what other Kings had yearly as a Present, they had not offer'd to his Majesty in three Years. It was indeed, if not a Matter of Right, a Matter of Custom. Then a noble Lord, who may be named for his Honour on this Occasion, the Earl of Portland, when the great Sum of 50,000 l. was press'd upon him, did absolutely refuse it, and told them he would for ever be their Enemy and Opposer, if they offer'd any such thing to him. Having thus mention'd the Innocent, I must say somewhat of the Guilty: A Stop having been put, the Duke of Leeds must be apply'd to. Certainly there never was a more notorious Bribery, and that in a Person, whom we might have thought to have been free from such a Crime; whether you respect the Greatness of his Place, or of his former Obligations. It is fit to speak plainly on such Occasions, that the House ought to endeavour to remove such a Person from the King's Council and Presence: what Security can the Nation have when we are bought and sold to one another? We have seen our Designs defeated, our Attempts betray'd, and what wonder is it? Can any Man think it more strange, that our Councils should be sold abroad, than that Charters should be sold at home? Certainly a Man may reasonably believe, that he who will sell the Subjects, will sell the Kingdom if he can have a sufficient Bribe: what Prince can be safe in such Councils, which are given for private Advantage? Several Proposals for a Remedy may be here offer'd, as that this House should address his Majesty to remove the Duke of Leeds; but with Submission, an Address is too mean and too low a thing for the House to do at this Time, and upon such an Occasion; I therefore move we may lodge an Impeachment.

' (Said, I wonder the Gentleman who spoke last should say, that which he did not believe, that that Lord should have sold our Councils to France.'

' B. Reply'd; It is with some Uneasiness I stand up; but the Gentleman forces me to it, for I do not take pleasure to rake in a Dunghil; I was far from saying any such thing, but argu'd only from Possibility, that it was as reasonable to believe one as the other. That when Honour and Justice were not the Rule of Mens Actions, there was nothing incredible, that might be for their Advantage.'

' D. I second and agree in the Motion for an Impeachment.

' E.

' E. God alone, who can produce Light out of Darkness, can fully discover the dark Practices in this Affair. Such Actions as these are a Blemish, if not a Scandal to the Revolution itself. I agree in the Motion for an Impeachment.' Anno 7 W. III.
1695.

' F. By what Law is it a Crime to take Money at Court ?'

' G. If there be no Law, it is time there should be a Law to prevent it.'

' H. The Law of God is against him, and broke by him. He took an Oath as a Privy-Counsellor ; Justice is not to be sold, by the Common-Law. But there are Parliaments to punish such Crimes, and 'tis hoped there will be still.'

' F. It seems doubtful whether there be Matter in this Report for an Impeachment ; therefore before the House goes to an Impeachment, they ought to put the Question upon the Report, and see whether it be a Crime.'

' K. Where there is no Law, there is no Transgression.'

The Question was then put, and it was *Resolved*, That there does appear to this House, upon the Report of the Committee of both Houses, appointed to examine the Persons mention'd in the Report of Sir Thomas Cooke's Account ; that there is sufficient Matter to impeach Thomas Duke of Leeds, Lord-President of his Majesty's most honourable Privy-Council, of high Crimes and Misdemeanors.

Resolved, That Thomas Duke of Leeds, &c. be impeach'd of high Crimes and Misdemeanors.

The Duke of
Leeds voted to
be impeach'd.

While the Impeachment against the Duke of Leeds was in Agitation in the House of Commons, that Duke being inform'd of it, went immediately from the Upper to the Lower-House, and desir'd Admittance, which was granted, and a Chair plac'd for him within the Bar. The Speaker told him, that the House having receiv'd Information that he desir'd to be heard, they were ready to hear him, that there was a Chair for his Grace to repose himself, and that he might please to be cover'd. Then the Duke sat down, put on his Hat, and after a little Pause arose, uncover'd himself, and made the following Speech.

' Mr. Speaker, and Gentlemen of the House,

' IN the first place, I thank you heartily for this Favour of hearing me. I had attended sooner, if I had had the least Intimation what the House was upon. I wish the Dispatch thereof had not been so quick. The Occasion of my coming is from the two Votes, upon the Report from the Committee of both Houses ; I did all I could to be inform'd of the Particulars, but could not, nor have I any Notes. I was earnest therein, finding myself concern'd, and hearing of a Report, a monstrous long Report, to the end that I might not be under the Displeasure of either or both Houses ;

His Speech in
the House of
Commons.

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1695.

it is a bold Truth, but 'tis a Truth : this House had not been

sitting but for me.

' I was formerly pursu'd by this House in two Points, for being for the French Interest and for Popery ; I had then, if I might have been heard, justify'd myself, as I hope I have since done, and shall by all the Actions of my Life. One Firebrace was introduc'd to me by the means of Mr. Bates whom I have long known, and if I am not much deceiv'd in him, I cannot believe that Gentleman would have transacted such a Matter if put upon it.

' The Evidence is but Hearsay, and I hope you will not condemn on Hearsay. I would not take up your time by entering into Particulars ; but there is a Money-Part, as well as a Treaty Part ; and as to the Money-Part, much of it is false, what is true I have made no Secret. I can, and do say, that neither directly nor indirectly, upon my Faith and Honour, have I ever touch'd one Penny of the Money.

' I observe a great deal of Pains has been taken to hook and draw Men in this Matter by a Side-Wind, and Firebrace thinks his Merit will deserve 10,000 and 30,000 l. this 5000 Guineas was no Part of the 40,000 l. The Committee call'd in and examin'd several Witnesses ; but Firebrace, after his first Hearing, desir'd to be call'd in again himself, contrary to all Rules, which shews at least that he is a very willing Witness.

' I have a Thread which I hope to spin finer, and make it appear that this was a Design laid against me, long before the naming of this Committee ; that Warning was given me some time since, that this Matter would be prov'd against me, and that Firebrace had been told, he should be excus'd if he would charge the Duke : I ask no Favour but your favourable Justice. It will be a most unfortunate thing in point of time, to be under the Displeasure of this House, or of the Nation. I pray that no severe Sense be put on what will bear a candid one, and that if it may be, the House would re-consider what is done, or at least preserve me from Cruelty ; and not let me lie on the Rack and be blasted, until the Parliament shall sit again. If you will proceed, I hope it will be speedily, for I had rather want Council, want Time, want any thing, than be under yours or the Nation's Displeasure. I thank you again for this Favour, and pray if you will not re-consider, that this Matter may be brought to a Determination, and that I may have at least your speedy Justice.'

This Speech being ended, and the Duke withdrawn, Mr. Comptroller attended by many Members, went up to the House of Lords with the Impeachment ; and the Committee
who

who were join'd with the Lords, were order'd to prepare the Articles against the Lord-President. Anno 7 W. III. 1695.

The House of Commons taking the Duke's Speech into consideration, a worthy Member said,

' By this noble Lord's Speech, the Point is now, whether the House will arraign the Committee of both Houses, or go on with their Impeachment. This noble Lord, when he came to the Matter, would not enter into Particulars, but pass'd it over with Excuse of wanting Time. He makes no Excuse as to the Facts: His Argument of a Contrivance was, that the 5000 Guineas charg'd on him, was no Part of the 40,000 l. Firebrace was to account for. But this is an Aggravation of the Crime; for Sir Thomas Cooke had a double Account, one with, and one without the 5000 Guineas; and this is an Indication, that if there was a Contrivance, it was not by the Committee, but with Sir Thomas Cooke, to stifle the Enquiry, and conceal the Corruption. The speedy Justice of the House is to be wish'd and desir'd. If there is such a Contrivance, such a Thread as is mention'd by this noble Lord, 'tis not to be doubted but the House where he is impeach'd will clear him.'

*Debates there-
on.*

' Another Member mov'd, That a Committee might be appointed to withdraw, to consider what was to be done, in order to gratify that Lord by speedy Justice. His Friend Mr. Bates's tricking and contradicting himself, is more than the Evidence of Firebrace. Who was his Friend? Who was his Servant? Those were Questions not to be ask'd. Monsieur Robart was a Servant of my Lord-President's, and is fled. Mr. Bates said, he kept the Money in his House? What was become of it? Sometimes he had spent it? Sometimes it was in his Closet. He did own the Money was not in his House on Sunday, but on Tuesday Morning, Monsieur Robart brought it to him; but he would never declare from whence he brought it.'

In the middle of these Debates, a Message was sent from the Lords, to acquaint the House of Commons, that it was the Opinion of their Lordships, that the Discovery made by Sir Thomas Cooke was not satisfactory, nor so full as to entitle him to the Benefit of the Act to indemnify him, and that their Lordships desired the Concurrence of the Commons. They thereupon pass'd a Vote, as the Lords had done, and sent it up by the Lord Coningsby. A Message
from the Lords.

On Monday April the 29th, the Lords acquainted the Commons that they had pass'd a Bill entitled, *An Act for imprisoning Sir Thomas Cooke, Sir Basil Firebrace, Charles Bates Esq; and James Craggs, and for restraining them from alienating their Estates, to which they desired the Concurrence of the Commons.* After the reading of this Bill, Bill for im-
prisoning Sir
Thomas Cooke,
&c.
Mr.

Anne 7 W. III.

1695.

Articles against
the Duke of
Leeds.

Mr. Comptroller repeated the Articles of Impeachment against the Duke of Leeds; For contracting and agreeing with the Merchants trading to the East-Indies, or their Agents, for 5500 Guineas, to procure them a Charter of Confirmation, and a Charter of Regulation; or by his Agents and Servants, with his Privy and Consent. These Articles were agreed to by the Commons, and by their Order sent up to the House of Peers; where, upon reading of them, the Duke of Leeds made another Vindication of himself much to the same purpose; adding, That this Storm which was now fallen upon him, was some time a gathering; and it was promoted by a Faction and a Party who had a Pique against him, and an Intention to delay the King's Business; that he had an original Letter which gave him an Account of this, some time before it broke out, and it appeared only levelled against him, because none else were prosecuted; that there appeared a Joy they could catch at this Pretension; and that Sir Basil Firebrace was treated with to discover only this Part, and so he should be excused from any other Discovery. His Grace concluded with praying a Copy of the Articles of Impeachment, and of the Report of the Committee of both Houses, which was readily granted.

Who puts in his
Answer.

April the 30th, the Commons were acquainted by a Message from the Lords, that the Duke of Leeds had put in his Answer to the Articles exhibited against him, of which their Lordships had sent a Copy to them. Whereupon the Commons ordered, That the Committee who were appointed to prepare the Articles against the Duke, should draw up a Replication to his Answer.

Message from
the Lords.

On May the 1st, the ingrossed Bill from the Lords for imprisoning Sir Thomas Cooke, &c. was read the third time by the Commons, and sent up to the Lords by Sir Herbert Crofts, with some Amendments. At the same time, a Message was brought from the Lords, That their Lordships conceiving the Session may not continue much longer, they think themselves obliged in Justice, to put the House of Commons in mind of the Impeachment brought up against the Duke of Leeds; to which the Answer of the Duke of Leeds having been transmitted to the Commons, the Lords desire they may be acquainted, when this House can be ready to make good the Articles of the said Impeachment, to the end a certain Day may be appointed by the Lords, for that purpose. The Commons resolved to send an Answer by Messengers of their own; and to proceed according to the Course of Parliaments.

To offer Money,
&c. to a Mem-
ber voted High
Crime and Mis-
behaviour, &c.

On May the 2d, the Commons resolved, That the Offer of any Money, or any other Advantage to any Member of Parliament, for the promoting any Matter whatsoever depending,

pending, or to be transacted in Parliament, was a high Crime. *Anno 7. W. III.*
 and Misdemeanor, and tended to the Subversion of the English Constitution. Then Mr. Comptroller reported from the Committee, That Monsieur Robart, who was a material Witness for making good the Articles against the Duke of Leeds, had been summoned to attend the Committee, but could not be found; and it not being yet known where he was, they were of Opinion not to make any further Progress in the matter to them referred, until they had the further Direction of the House. Upon this Resolution agreed to by the House, it was ordered, That Monsieur Robart should attend the House to be examined, and should be summoned by the Serjeant at Arms.

1695.

The 3d, Mr. Speaker of the House of Commons acquainted them, That the Serjeant at Arms had informed him, that his Messenger had been at the Duke of Leeds's, and spoke to his Porter, and enquired for Monsieur Robart, to summon him to attend this House; and that the Porter said, he was not within, nor could tell when he would be; and that he had not seen him for three days past; and that he believed he was in the Country, but could not tell where.

Upon this the Commons desired a Conference with the Lords, to which they agreed immediately in the painted Chamber; where the Managers delivered a Paper to their Lordships, importing that the Commons will make good the charge against the Duke of Leeds, in Manner and Form as in the Articles mentioned; that the Committee appointed to draw the said Articles, had been daily employed in looking into the Evidences against the said Duke, but had met with an Obstruction, in that Monsieur Robart, a material Witness, was withdrawn since the Impeachment was carried up, which hath been the Reason the Commons have not yet acquainted their Lordships, when they can be ready to make good the said Impeachment, the Commons being desirous that Justice be done without any manner of delay.

A Conference
 between the
 two Houses.

On the same day, the House of Commons having read a Report of the Committee of both Houses, proceeded towards the Impeaching other Persons therein mentioned, and in particular, Sir John Trevor: But they were interrupted by the Black-Rod, and commanded to attend the King in the House of Peers, where his Majesty was come to put an end to the Session.

We must observe, that amidst all these Disputes, a great thing was done for the Honour and Interest of the Nation, by redressing the bad State of the common Coin of the Kingdom. This difficulty lay so heavy upon the Government, that a Stop was almost put to Trade and Taxes. The current Silver Coin had for many Years began to be clipped and

III State of the
 Coin.

Anno 7 W. III.
1695.

and adulterated; and the Mischief of late had been so secretly carried on, by a Combination of all People concerned in the Receipt of Money, and so industriously promoted by the Enemies of the Government, that all Pieces were so far diminished and debased, as that five Pounds in Silver Specie was scarce worth forty Shillings, according to the Standard: Besides an infinite deal of Iron, Brass, or Copper, washed over, or plated. The Nation had suffered most grievously by this Evil, and the Cure of it could be no longer delayed, without apparent and inevitable Ruin to the Public, and an Obstruction to all private Commerce. Under this necessity, the House of Commons on January 8th appointed a Committee to receive Proposals, how to prevent clipping of the Coin of this Kingdom for the future, and the Exportation of Silver.

Mr. Scobel's
Report concern-
ing the Coinage

This Committee having sat several times, Mr. Scobel at last reported their Opinion.

1. That the best way to prevent clipping the Silver-Coin, was to new coin the same into milled Money.
2. That 1,000,000 l. was a sufficient Sum to make good the Deficiency of the present clipped Coin of this Kingdom.
3. That the Money hereafter to be coined should be of the present weight and fineness.
4. That the Crown Piece should go for 5 s. and 6 d. and the Half-Crown for 2 s. and 9 d.
5. That all Money to be coined, under the Denomination of the Half-crown should have a Remedy of six Pence in the Ounce.
6. That for as much of the present Coin as any Person brought into the Mint, he should have Weight for Weight, and the overplus by a Bill or Ticket at *per cent.* on a Fund to be appropriated for that purpose.
7. That the present Laws against clipping be enforced by some Additions.
8. That all Persons whose Professions require such like Tools or Engines, as may be made use of for Coining or Clipping, be obliged to register their Names and Places of Abode, and that it should be penal on such as should neglect to do the same.
9. That it be penal to all such Persons, as give more for any Silver-Coin, than it ought to go for by Law.
10. That it be penal to all such Persons on whom Clippings are found.
11. That no Presses, such as are used for Coining, be in any other Place than his Majesty's Mint.
12. That it be penal in all such Persons as shall import any clip or counterfeit Money.

13. That it be penal in any Person to export English Bullion, and the Proof to lie upon the Exporter. Anno 7 W. III.
1695.

14. That it be penal in any Person to counterfeit any foreign Mark upon Bullion.

This Report lay some time neglected in the House of Commons; till the Lords had passed an Act *To prevent counterfeiting and clipping the current Coin of this Kingdom*; and on March the 19th sent it down to the Commons for their Concurrence. Then the former Resolutions of the Committee were taken into Consideration, and out of them several Amendments were inserted in the Lords Bill; to which Amendments the Lords agreed, and so made that most expedient Act ready for the Royal Assent.

In the midst of these Debates*, the King came to the House of Peers and gave the Royal Assent to the Act *For given to several Duties on Glass Wares, Coals and Calk.* An Act *For a general Bills.* Pardon. An Act *To prevent counterfeiting and clipping the Coin.* An Act *For imprisoning Sir Thomas Cook, Sir Basil Firebrace, Charles Bates Esq; and James Craggs, and restraining them from alienating their Estates.* But a Clause was inserted to enable Sir Basil Firebrace, who was then about marrying his Daughter to the Earl of Denbigh, to give her a Sum not exceeding 20,000l. in Portion.

His Majesty closed the Session with the following Speech.

* *The Bill for Free and Impartial Proceedings in Parliament was thrown out of the House of Commons after the third Reading. A Bill for regulating Trials in Cases of High-Treason pass'd that House; and having been amended by the Lords, it occasion'd several Conferences and Debates between the two Houses, and remain'd unfinish'd. A Bill for registering Deeds, Conveyances, and Wills, was obstructed by the Lawyers in the House of Commons; to use Bishop Kenner's Terms, and the reason he gives for it, is much to the Scandal of that Profession, because it tended to abridge Law-Suits, and would be to their Prejudice: If they had no other reason for it, the House might better have parted with them than with the Bill. A Bill to disable Persons from voting in Elections of Members to serve in Parliament, who should refuse to take the Oaths to the Government, a most reasonable Bill: Those, who refus'd to give the Government that Security for their Allegiance, ought not to have had any Trust under it, and a Vote for Members of Parliament is a very considerable one; but it never came to a second Reading. A Bill to vest the forfeited Estates in Ireland in his Majesty, which was read twice. A Bill to regulate Printing-Presses was dropp'd. A Bill requiring certain Persons to take the Oaths to his Majesty was sent from the Lords to the Commons, and by them reject'd after the second Reading. The same Year had a Bill for naturalizing Foreign Seamen. A Bill to oblige James Craggs and Richard Harnage to discover how some of the Money for cloathing the Army had been dispos'd of: And a Bill to punish Tracy Pauncefort, and his Brother Edward Pauncefort, having been read three times by the Committee, was order'd to lie upon the Table.*

Anno 7 W. III.

1695.

The King's
Speech.

‘ My Lords and Gentlemen,
‘ I Am come to give you Thanks for the Supplies provid-
‘ ed for carrying on the War, in which we are engaged ;
‘ and at the same time to conclude this Session, which can-
‘ not be continued longer, without manifest Prejudice to the
‘ Ends for which these Supplies are given : The Season of
‘ the Year making it so necessary for me to be abroad, that
‘ it were to be wished our Business at home would have al-
‘ lowed me to have been there sooner.

‘ I will take care to place the Administration of Affairs
‘ during my Absence, in such Persons on whose Care and
‘ Fidelity I can entirely depend : And I doubt not, my Lords
‘ and Gentlemen, but every one of you in your several
‘ Stations, will be assisting to them. This is what I require
‘ of you, and that you be more than ordinarily vigilant in
‘ preserving the public Peace.’

Then the Lord-Keeper, by his Majesty's Command, said,
‘ My Lords and Gentlemen, It is his Majesty's Royal
Will and Pleasure, that this Parliament should be prorogued
to Tuesday the eighteenth Day of June next ; and this Par-
liament is accordingly prorogued to Tuesday the eighteenth
Day of June next.

Parliament dis-
solved,

On July 13th, his Majesty ordered a Proclamation to be
published, for dissolving the present Parliament, and issuing
out of Writs for the calling a new Parliament, to begin at
Westminster on November 22d.

The END of the Second TOME.

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